

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

Call to Order: By Chairman Dorothy Eck, on February 20, 1991, at 7:30 p.m.

ROLL CALL

Members Present:

Dorothy Eck, Chairman (D)
Eve Franklin, Vice Chairman (D)
James Burnett (R)
Thomas Hager (R)
Judy Jacobson (D)
Bob Pipinich (D)
David Rye (R)
Thomas Towe (D)

Members Excused: None.

Staff Present: Tom Gomez (Legislative Council).
Christine Mangiantini (Committee Secretary).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion:

HEARING ON SENATE BILL 404

Presentation and Opening Statement by Sponsor:

Senator Betty Bruski opened by saying SB 404 requires parental notification before a physician may perform an abortion on a minor. This bill provides for judicial exemption from notification requirements, provides a misdemeanor offense for violation of the requirements, amends Section 41-1405 MCA and repeals Section 50-20-107 MCA. Parental notification is already a part of the Abortion Control Act of 1974. The Supreme Court recognizes parents rights and it also recognizes the necessity of exemption for certain isolated cases. Therefore, the Supreme Court requires the judicial bypass for those minors who should be granted an exemption from the notification requirement. She said they wanted to amend the Montana law on parental notification to meet the Supreme Court guidelines. She said she decided to sponsor this bill is because she is a parent who wants to represent the parents of Montana who are concerned about the health and welfare of their children and about their rights and responsibilities as parents.

Proponents' Testimony:

The first witness was Representative Joe Barnett from House District 76. He represents the Belgrade, Manhattan and Three Forks areas. He said he supported SB 404 and his spouse is with him in support of the bill. He said he is the father of three children and the grandfather to five grandchildren. He said he wanted to make life as easy as possible for them.

The second witness was Robert E. Sullivan, representing the Montana Lawyers Committee For Protection of Human Life. He said he support SB 404 and is the father of seven daughters and 18 grandchildren. He is co-chairman of the committee he is representing. The committee includes lawyers from throughout Montana. He was dean of the law school for 25 years. In the early 1960's he was the chairman of the committee appointed by the governor to revise Montana law on marriage and divorce. After two years the recommendations were submitted to the legislature and approved. SB 404 is not something new to Montana law. From the earliest days in Montana it has been the obligation of parents to provide nurturing support and education for their children. SB 404 reaffirms existing Montana law. Reaffirmation is necessary because of the uncertainty created by the Supreme Court of the United States in Roe v. Wade. The Supreme Court will correct that uncertainty created by the earlier decision. SB 404 does this in a limited way. It provides for a parent the opportunity to counsel and then to support the child in the decision that may impact their entire life. SB 404 sends a clear message to parents. It encourages guidance and counsel of children especially of daughters. It is a restatement of Montana law.

The third witness was Carl Hatch, representing himself and the Montana Lawyers Protecting Life. See Exhibit #1 for a copy of his testimony.

The fourth witness was Patricia Fournier, representing herself. See Exhibit #2 for a copy of her testimony.

The fifth witness was Jeri Snell, representing herself. See Exhibit #3 for a copy of her testimony.

The sixth witness was Dr. Robert St. John, representing the Montana Right to Life Organization. He said he deals with women approximately 60 hours a week. He is an obstetrician in Butte. He has dealt with nearly 2,000 pregnancies. As a physician he has reservations about the effect of the bill on the medical profession in Montana. He said a girl in a neighboring state died of complications from an abortion and the parents of the girl sued. It was a medical liability case which cost over \$2 million. One of those cases in Montana would raise the malpractice premiums beyond the reach of physicians. Any kind of medical problem should involve families. He said he cannot do an appendectomy on a girl without the parents approval.

Dr. St. John continued by saying there is no reason why a girl should make a decision about an abortion without including someone with a general regard for her health and welfare. This is the only way she is safe, the family is safe and the medical profession is safe.

The seventh witness was Senator Dick Pinsoneault who said he was representing himself and as a member of the Montana Lawyers Protecting Life. He said his position is more for the respect of the law. He has good friends on both sides of the issue. He has said to the people affiliated with Planned Parenthood if you took the word abortion out of your vocabulary he could probably support every other thing they are doing. They are taking up the slack of the schools and families that fail abysmally. He said the option to terminate the pregnancy is a legal argument. The moral decision is between her and her family. That is not what this bill is all about. This is not a consent. This bill passed last session through the Judiciary committee by substantial vote and passed through the Senate. It is good public policy. Don't be shrouded in the privacy argument that this young girl has a right to do this without at least giving her parents notification. He said he supported the bill.

The eighth witness was Eve Pilskalns, representing herself. See Exhibit #4 for a copy of her testimony.

The ninth witness was Jo Lyn Kuser, representing herself. See Exhibit #5 for a copy of her testimony.

The tenth witness was Allison Nistler, representing the Right To Life Organization. See Exhibit #6 for a copy of her testimony.

The eleventh witness was Representative Larry Tveit. He said he supported the bill.

The twelfth witness was Ruth Botty, representing herself. See Exhibit #7 for a copy of her testimony.

The thirteenth witness was Representative Don Steppler. He said he is here as a future parent.

Other persons who signed witness statements were:
Alana Myers from Missoula, Montana and Donald Garrity from Helena, Montana.

Opponents' Testimony:

The first opponent to testify was Diane Sands, representing the Montana Women's Lobby. See Exhibit #8 for a copy of her testimony.

The second witness was Brenda Nordlund, an attorney representing herself. See Exhibit #9 for a copy of her testimony.

The third witness was Carolyn A. Clemens, an attorney representing herself. See Exhibit #10 for a copy of her testimony.

The fourth witness was Randy Hood, a public defender representing herself. See Exhibit #11 for a copy of her testimony.

The fifth witness was Deborah Frandsen, representing Planned Parenthood of Missoula. See Exhibit #12 for a copy of her testimony.

The sixth witness was Diane Manning, representing herself. See Exhibit #13 for a copy of her testimony.

The seventh witness was Colleen Lippke, representing Montanans For Choice. See Exhibit #14 for a copy of her testimony.

The eighth witness was Ella Smith-Robson, representing herself. See Exhibit #15.

The ninth witness was Mike Males, representing himself. See Exhibit #16 for a copy of his testimony.

The tenth witness was Robert L. DeVelice, representing himself. See Exhibit #17 for a copy of his testimony.

The eleventh witness was Jean Kirby Ward, representing herself. See Exhibit #18 for a copy of her testimony.

The twelfth witness was Scott Crichton, representing the American Civil Liberties Union of Montana. See Exhibit #19 for a copy of his testimony.

The thirteen witness was Greg Oliver who submitted testimony on behalf of The Reverend Barbara Archer and The Reverend Peter Shober. See Exhibit #20 for a copy.

Other testimony was submitted by Albert L. Baum (see Exhibit #21) and Dr. Clayton McCracken (see Exhibit #22).

Questions From Committee Members:

Senator Towe asked Mike Males about the statistics included in his testimony.

Mr. Males said he realized the legislature receives much emotional testimony on what this bill may or may not accomplish. He said it is important to look at what it has accomplished in the states that have enacted similar legislation. He said in December 1990 he contacted health departments in Minnesota and Massachusetts and surrounding states to ascertain how the legislation has affected minor's in those states.

Mr. Males continued by saying the chief effect is that parental notification laws do not cause greater parental involvement. Every year approximately 300 minor's cross state lines in search of abortions in other states. Less than 3 percent of abortions to minor's in Montana were performed in other states. In Montana, he also surveyed abortion clinics and providers and asked if they had written records of parental involvement. More than 70 percent of the minor's already involve at least one parent. In Minnesota, which has a parental notification law, only 60 percent of the minor's inform at least one parent and only 55 percent do so in Massachusetts which also has a parental consent law.

Senator Rye said Diane Sands made reference to the Becky Bell case and asked her and Linda Sargent to explain the case.

Diane Sands said it is the case of a minor in Indiana getting pregnant and was embarrassed to tell her parents. She said no one really knows what happened, if she died as a result of an abortion that was self-induced or performed by someone else. She did die as a result of an illegal abortion.

Linda Sargent, executive director of the Montana Right To Life Organization. It is unclear whether Becky even had an abortion. She passed to the committee copies of the autopsy report. See Exhibit #23. This does not show evidence of instrumentation upon the cervix or any infection to indicate there was an abortion.

Senator Towe asked Carl Hatch about the judicial bypass clause. He said he did not think it made much sense to require a minor to go through that type of procedure.

Mr. Hatch said he thinks it is realistic because the judge does not make the decision for the young woman. All the judge is to do is find she is mature and knows what she is doing and that it is in the best interests of the young woman. He said as a parent if he is not to know than who should. He thinks the judges are the best to make the decision. There has to be an alternate other than the parent.

Senator Towe said he missed the point. The problem is getting the young girl to see the judge rather than running across the state and taking the matter into her own hands with an illegal abortion.

Chairman Eck asked what would happen if the judge ruled the woman too immature to make the decision.

Mr. Hatch said if the judge considers her immature than the doctor has to notify the parents before she can have the abortion. This was the problem in Utah. A 15 year old girl living at home, entirely supported by her parents, went to the judge, there was no evidence presented that she was mature or emancipated.

Mr. Hatch continued by saying the U.S. Supreme Court said that was a legitimate concern of the State of Utah to have those parents notified. The young girl has the right to make that decision. The parents have no right to interfere or stop the abortion. They know who and how the abortion will be performed.

Senator Franklin asked if someone from Planned Parenthood could explain the professional protocol for dealing with a minor.

Melanie Reynolds, executive director of Planned Parenthood in Missoula, said they do counseling on all options of pregnancy. It is confidential and they encourage her to speak to her parents. There are some teen-agers who cannot talk to their parents and have given compelling reasons for that. They also provide confidential medical care. If a teen comes in and says she cannot talk to her parents the staff role plays, taking away some of the fears. We encourage them to bring in the parents if that is helpful.

Senator Franklin asked about the professional qualifications of the counselors.

Ms. Reynolds said many are registered nurses, certified nurse practitioners, certified physician assistants and trained counselors with degrees in social work, psychology and counseling and guidance.

Senator Jacobson asked Mr. Carl Hatch about the concern of judicial bypass. She said the stigma that a young, pregnant girl has to go through the court system the same way as a delinquent youth has negative implications. She said that bothers her. The young girl is in one of the most frightening positions of her lifetime.

Mr. Hatch said he agreed. He said someone that is very concerned about the young person such as a youth court judge can put them at ease and are the best equipped to determine if the young person is mature enough to make the decision.

Senator Jacobson asked if the judges agreed that they are in the best position to make this decision. Do they want to be put in the position of seeing a young child one time and allowing them to make this momentous decision.

Mr. Hatch said the judges have that duty to carry out the functions of their office.

Senator Towe asked Diane Sands if she would object to the use of something that might be an effective but discreet bypass and that is a trained counselor.

Ms. Sands said she supports mandatory counseling for minors and that is the basis of HB 788. They object to parental notification. Even if you tie the two together.

Ms. Sands continued by saying it is that fear of knowing they will have to tell their parents that creates the problems. Parental notification coupled with mandatory counseling would not be accepted. But they think mandatory counseling is an excellent idea.

Senator Towe asked Senator Bruski if discreet counseling is a realistic alternative.

Senator Bruski said this bill is a parental rights bill, not an abortion bill. She said by adding in counselors it would take that right away from parents.

Senator Rye asked Senator Bruski if the bill requires the doctor to inform the parents.

Senator Bruski said that was correct.

Chairman Eck asked Senator Pinsoneault about the doctor trying to contact the parent. If he is unable to contact the parent by telephone can he send a certified letter and presume it arrives by noon the next day. She wanted to know if he thought that was really any kind of notice.

Senator Pinsoneault said it is and the time frame is important. He said the young lady has to make the decision in a hurry. That constructive notice will make a difference. In that regard the bill is tilted in favor of the girl receiving an abortion.

Senator Eck said probably nine times out of ten the parents are not home when the notice arrives. The parents think it is probably a bill or notice from the Internal Revenue Service and after 10 days it is returned to the sender.

Senator Pinsoneault said it may sound like a haphazard way to affect notice but better than impose another 5 or 10 days upon the decisionmaking process.

Closing by Sponsor:

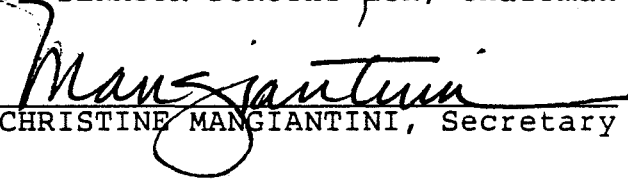
Senator Bruski closed by thanking the committee for the fine hearing. She said they had heard excellent testimony from both sides. She said it was important for the committee to know what exactly the bill was about. She said she had 152 photographs with captions, she was referring to the 1991 Montana Legislative Directory. She said most of these are parents with a majority having one or more daughters. The vast majority of Montana parents are loving and understanding and gentle with their children. A teen-ager's reluctance to tell her parents that she is pregnant is not necessarily the sign of a dysfunctional family. Most girls believe their parents will kill them if they flunk Algebra or mash a fender in the family car. When those incidents happen the parents are notified and in most cases both the parents and children survive.

She is also a mother and she has a daughter that went through a pregnancy. She did not know about it for about 7 months. She carried that burden within her, she was afraid to tell me. She confided in an older sister. She had the baby and gave it up for adoption. She said she is not a stranger in this field. She knows the trauma of abortion. She has never had an induced abortion but she has had four spontaneous abortions, commonly called miscarriages. She knows the trauma she went through. Those that have been the cause of it must have a much deeper problem with it. She is not saying there are no children at risk that must be protected from their parents. This bill provides for that. She said she wished the State could identify such children earlier. She supports increased expenditures to do a better job in this area. She does not think that we should deliberately exclude Montana parents that are good and decent from playing a part in a decision that so vitally affects their children. It is neither wise nor just. She urged passage.

ADJOURNMENT

Adjournment At: 9:30 p.m.


SENATOR DOROTHY ECK, Chairman


CHRISTINE MANGIANTINI, Secretary

DE/cm

PUBLIC HEALTH, WELFARE
AND SAFETY

COMMITTEE

Date 2/20/91
7:30pm

NAME	PRESENT	ABSENT	EXCUSED
SENATOR BURNETT	✓		
SENATOR FRANKLIN	✓		
SENATOR HAGER	✓		
SENATOR JACOBSON	✓		
SENATOR PIPINICH	✓		
SENATOR RYE	✓		
SENATOR TOWE	✓		
SENATOR ECK	✓		

Each day attach to minutes.

Testimony of Carl A. Hatch on Senate Bill 404, before the Senate Committee on Public Health

Senate Bill 404 is not introduced to challenge Roe v. Wade, the 1973 U.S. Supreme Court decision which established the legal principle that until the developing child can sustain itself outside the womb the right of the mother to abort it is superior to the interest of the State in protecting the child's life. This is not legislation which interferes in anyway with the abortion decision of adult, mature women.

What this act does is forbids the physician from performing major surgery upon a minor young woman who has become pregnant, usually from irresponsible sexual intercourse, until the physician gives actual or constructive notice to one of her parents.

Let's not overlook the realities of this situation. An abortion is major surgery. The physician is going to invade the body of the minor young woman by inserting chemicals and instruments into her birth canal to dilate her cervix and prepare her uterus so that the living and growing baby (at whatever stage of fetal development) may be evacuated and eliminated from her body.

What this Act tells the physician is that if the physician performs this surgery without giving this notice, the physician can be charged and convicted of a misdemeanor with possible punishment of \$500 fine and/or 6 months in

jail. The giving of this notice is not required if the young woman in an expedited court proceeding (at no cost to her and in which she has the benefit of court appointed counsel) has demonstrated to a judge, or appellate court, by clear and convincing evidence she has made a thoughtful and mature choice in her best interest.

The statute goes no further. It does not attempt to protect the unborn life. It does not attempt to dictate to the physician any methods of performing the abortion surgery. It does not ultimately interfere with the right to choose an abortion on the part of any pregnant girl or mature woman.

All it does is recognize that parents have rights and responsibilities regarding their minor daughters. A parent certainly has a vital interest in knowing that her/his daughter has made a choice to undergo major surgery, when that surgery is going to be performed, who is going to perform it, and how it is going to be performed.

The Act is framed to meet all Constitutional standards set down by the U.S. Supreme Court. Since Roe v. Wade in 1973, seven cases touching upon legislation promoting parental involvement in the abortion decision of their minor daughters have reached the U.S. Supreme Court:

1. In 1976, in Planned Parenthood of Central Mo. v. Danforth, 428 U.S. 52 (1976) a Missouri parental consent

statute (not notice) was stricken because it did not contain a judicial bypass provision.

2. In 1979, in Bellotti v. Baird, 443 U.S. 622 (1979) the required components of a judicial bypass for a parental consent statute were established.

3. In 1981, in H.L. v. Mattheson, 450 U.S. 398 (1981) a Utah statute requiring two-parent notice for unemancipated, dependent, immature minor young women was upheld.

4. In 1983, in Akron v. Akron Center for Reprod. Health, 462 U.S. 416 (1983) a regulation was stricken which did not provide a judicial bypass.

5. In 1983, in Planned Parenthood Ass'n of Kansas City, Mo. v. Ashcroft, 462 U.S. 476 (1983) a one-parent consent law was upheld.

6. In June 1990, in Ohio v. Akron Center for Reprod. Health, 58 U.S.L.W. 4957, the Ohio parental notice statute which requires (1) personal notice of one parent by the physician, (2) a 24 hour waiting period after notice, and (3) a judicial bypass based upon "clear and convincing" evidence of the young woman's maturity and best interests, was sustained.

7. In June, 1990, in Hodgson v. Minnesota, 58 U.S. L.W. 4957, the Minnesota law which requires (1) two-parent notice, (2) 48 hours waiting period, and (3) judicial bypass, was sustained.

The bill before you clearly meets every test considered by the U.S. Supreme Court in the 7 cases just cited.

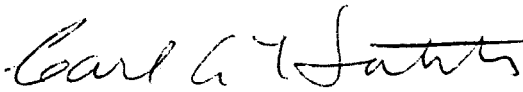
Senate Bill 404 is moderate and well-balanced. It protects the rights of parents to know the abortion decisions of their minor daughters before the surgery is performed. It protects the rights of the minor young women to choose wisely the best decision for their health and well-being. It further protects the physician and those involved in providing the abortion services. In my judgment it establishes procedures that will enhance the probability that a pregnant minor young woman, caught on the horns of a dilemma, will exercise as wisely as possible her right to make the abortion decision which greatly affects her physical, mental and emotional health and well-being.

On a personal level, this legislation is important to me as a parent. My wife and I have 3 girls of middle school and high school age. Their health and well-being are our paramount concern in these formative years of their lives. I do not want anyone, even a skillful and well-trained physician, putting chemicals or medical instruments into their bodies without my knowledge. This legislation assures me that will not happen, and furthermore protects the physician from it happening without my knowledge, unless the bypass exception has been fully complied with. The bypass exception further assures me that if I am not to know, that a

youth court judge knows, and has been convinced it is a wise decision within my daughters' best interests.

Without this legislation, the legislature is establishing as public policy for the State of Montana, that parents do not have any state protected, legal right to know when their minor daughters seek abortions. To me that is bad public policy.

Submitted this 20th day of February, 1991.

A handwritten signature in cursive script, reading "Carl A. Hatch", written in dark ink.

Carl A. Hatch

Patricia "Tish" Fournier, M.A.
483 Dutch hill Rd.
Hamilton, Mt. 59840
(406) 961-4318

February 20, 1991

SENATE HEALTH & WELFARE

EXHIBIT NO. 2

DATE 2/20

BILL NO. SB 404

Legislative Committee: Senate Bill 404

My name is Tish Fournier, I have a Bachelors Degree in Social Work with a minor in Psychology from the University of Montana; My Masters Degree is in Counseling from Liberty university, Lynchberg Va. I am continuing to do Post Graduate work in the areas of Marriage and Family Counseling and Drug and Alcohol Abuse.

My professional experience includes, a social work practicum in both child and adult protection; work as Case Manager and Activities Coordinator in a transitional home for chronically mentally ill women: work with low income families and adolescence through District XI Human Resource Council. I now have a private practice in family counseling in the Bitterroot valley. In the area of volunteer work; I was a charter member of The Montana Mental Health Protection and Advocacy Board; on the advisory board of the local Mental Health Agency and on the advisory board for the Valley Literacy Council.

As I see it, Senate Bill 404 is not an abortion issue or even a women's rights issue; it is a Family Systems issue. As a family therapist, I see these dangers in the present law and therefore a vital need for the passage of this Bill:

- I. Adolescence in our society have been found to be lacking the emotional capability required to make complete, all-encompassing, mature decisions concerning their own health care- I raised three children, whenever any kind of medical procedure was indicated, my husband and I were very much a part of it. We we were not just given but legislated to take the privilege of input as well as the responsibility for financial and psychological support for good reason.

II. Any student of Erickson or Piaget or for that matter, any parent, knows that adolescence IS a crisis: Erickson has written extensively about the search for identity as the primary task, and crisis of adolescence, when the young person tries to integrate a quest for "a conscious sense of individual uniqueness," with "an unconscious striving for a continuity of experience,...and a solidarity with a group's ideals" (Erickson, 1968). Kids Need parents to help them through the various crises of adolescence, we MUST NOT legislate isolation!

Much more can be said, pages of statistics can be cited, Present laws protecting our children from devastating immature decisions, can be read: How many of our 13-17 year old young people do you think would run off to Saudi Arabia right now if they could? I feel that a case study I was personally involved with will help to illustrate what is needing to be said here: I relate this with permission of both the young woman and her parents:

CASE STUDY: I am personally involved with a family whose daughter had had an abortion a year and a half before they knew about it. They knew something was wrong but they had no idea what: The girl had gone off to her freshman year in college, early in the first semester she was date raped. Thinking she was pregnant, and on the advice of a "friend", she took an abortion pill, not even really knowing for sure she was pregnant. According to the young woman, I spoke to her last night, this decision was devastating; She had been raised in a Bible believing family where abortion was seen as wrong: She, herself believed abortion was wrong. The cognitive dissonance was destructive, she couldn't study so she dropped out of school, she came home but couldn't relate to her family as she had "for fear they would find out". She began to suffer physically: severe headaches were frequent, and emotionally: bouts of depression, and stomach problems required medical attention, psychological attention, and medications: all was expensive both financially and emotionally for the family. The culmination of the devastation was a suicide attempt, after which the young woman went out of state to visit a former youth pastor and friend; at his urging she called her parents and told them what had been going on.

The reactions of the parents were several: The grief process as laid out by Elizabeth Kubler-Ross in her book: ON DEATH AND DYING, (1969); would aptly explain what they went through.

Denial was their first reaction, not to their daughter but between themselves, then came anger and a great deal of pain; Bargaining with God, then depression, reaching the fifth stage; the stage of acceptance was facilitated by caring support system including their pastor and some close friends. By the time the daughter came home a few days later the family was hurting still but had the means, (that being the knowledge of what had been hurting their daughter), to begin working it out.

I am one little family counselor in Hamilton, Montana, this is not an isolated situation, and it does only apply to "Bible believing families" It applies to all families who have any kind of relationship with each other and their children and that includes most of us.

I have continual close contact with the parents so am aware of how they are doing. I was able to sit with the daughter last night and share with her what I was going to be sharing with you tonight, asked her if I could use her story and asked her how she felt about the law and if she had any comments she would like me to share.

This young woman's reasons for not telling her parents were these:

1. She was afraid of "dissappointing" her parents, not realizing that the disappointment of not being able to help her would be so much greater.
2. She didn't want anyone to know about it.
3. She didn't want to take the chance on her parents urging prosecution of the rape: which would have happened: He subsequently raped two other girls on campus and was prosecuted.

This young woman wants you to know that if her parents had known this crisis would have been much easier for her to handle, she would have had the physical and emotional support she needed. Although there would have been pain, a wedge of broken communication would not have been driven between her and the people she needed the most at the time. "The law should be passed."

DATE 2/20BILL NO. SB 404SB 404 Committee Hearing February 20, 1991
Testimony by Jeri Hilton Snell R.N.

Madam Chairperson, Dorothy Eck, (Bozeman) Vice Chairperson, Eve Franklin (Gt. Falls), and members of the Public Health, Welfare and Safety committee: Burnett, Hager, Jacobson, Pipinich, Rye and Towe. 5D/3R

My name is Jeri Hilton Snell, I have been a Montana resident all my life. I have never done this before, I can tell you I am a bit nervous, However, my case of nerves is infinitesimal compared to the seriousness of SB 404 now before us. I have traveled a great distance to give my testimony as my inner conviction dictates an active voice at this hearing. I appreciate the opportunity to stand before this body and be heard.

I am a Registered Professional Nurse with a background in labor and Delivery room nursing. I also have experience in Certified Coronary Care and Intensive Care Units. Presently, I am a Research Nurse for cases involving Federal litigation.

I have had over 25 years experience of involvement with youth groups, Jr. and Sr. teens, and college students. I have three children two daughters ages 26, & 24 and an 18 yr. old son. Although my husband and I have not sought licensure as a foster home; we have had more often than not, in 27 years, had teens living with us. I am concerned that minors receive care that will not only meet their immediate needs, but help them lead productive, happy and fulfilled future adults lives.

My concerns on the issue of Parental Notification of a minor prior to an induced abortion, are based on responsible decision making on a professional level, which includes valuable input only a parent can give, as most parents know their own minor best. The exclusion of a parents involvement in any other elective (non-emergency) health care decision would be considered professional negligence. The only exceptions should be for judicial bypass in extenuating cases.

Opinion polls consistently show overwhelming public support for laws requiring parental involvement, regardless of personal beliefs about abortion. Therefore, a good dose of old fashioned common sense where parents rights are involved would be a welcome breath of fresh air.

I take liberty in stating that as a parent, I would guard with my life, my right and responsibility to be involved in choosing a physician for any invasive procedure involving the potential short and long term effects of an induced abortive procedure. These effects already fill volumes of national and international

data from reputable sources. I do not make the above statement for dramas sake, I mean it sincerely.

No-one can convince me, be it physician, psychiatrist, or otherwise, they have sufficient knowledge of a minor without conferring with at least one parent before performing an elective surgical procedure on that minor. A realistic fear is that what is best for a minor will be lost in the cross fire of rhetorical testimony and emotion.

In conclusion, based on this testimony, I respectfully ask the committee to vote favorably concerning this decision of parent's rights as the integrity of the family unit in Montana is at risk.

I submit copies of my testimony for the written record.

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 26 day of February, 1991.

Name: Robert M. L. John, MD

Address: 25 Burning Tree Ln
Beth, CT.

Telephone Number: 444-4908

Representing whom?

Self & Mont. Rt. to Life

Appearing on which proposal?

SB 404

Do you: Support? X Amend? Oppose?

Comments:

If families are not involved in their daughters
medical care it places terrible pressures on
the medical personnel caring for her. This
is especially true if a complication arises.
In addition, there is an unreasonable
entrustment into the family unit if a major
crisis can make unilateral decisions that
threaten the very essence of the family.
After all the family is still the basic unit
of our society.

Good Evening Chairperson Eck and members of the Public Health Committee:

My name is Eve Pilskalns; I am a junior high and high school science and technology teacher at Victor Schools in Victor, Montana. This is my eighth year of teaching. My undergraduate degree is a B.A. in Cellular Biology and this summer of 1991, I will be completing a Masters of Science in teaching.

For effective teaching to take place, a strong triangle of communication must exist between the teacher, the student and the parent. Victor Schools faculty handbook emphasizes that the teacher plays a key role in establishing and maintaining a strong, positive relationship between the school, the parents and the community. This positive relationship, one based on trust and communication, is essential for the continued growth and success of the educational program at our schools. This trust is created by notifying the parent on all activities that the student partakes in.

A teacher at Victor Schools is to communicate with parents when there is a problem of any serious or chronic nature with a student. He or she must work with the parents to find and implement solutions. (pg 7)

Students riding activity buses must have a signed permission slip by the parent on file in the office. (ex. Music teacher-Jazz festival)pg 15 - XVIII Transportation.

The use of movies of videotapes other than those from the state film library must be approved by an administrator in advance. Permission slips must be used for movies other than G rated ones. (ex. Young Sherlock Holmes -irate parent) pg. 5 #24.

The student may not be given aspirin unless by a parent; the student needs permission to have his or her blood typed in the Biology Lab.

In the Student Handbook, parents/guardians will be charged with reporting to the school the fact of their child's absence and the reason for it. However, if parents fail to meet this charge, the school must call the home and verify the absence and its cause.(pg 3: 1a)

Students may, subject to consent of the parent/guardian, be granted excused personal leave of no more than three days during a school year provided that the student has had no excused absence during the school year.(pg3: 1d)

As a student reaches certain levels of excessive absences, the principal will notify in writing the parent/guardian of the situation. (pg5:#10)

If a high school student experiences continued academic difficulties during any 9 week period, the teacher will notify the parent/guardian.(pg6D.)

Students will be permitted to walk home for lunch if they live sufficiently close to the school so as not to be tardy for class. Students who walk home for lunch must file with the principal a "waiver of responsibility" form signed by the parent/guardian. (pg.18 VIII)

Besides developing and containing a strong communication between the parent and student, effective teaching involves knowing where the student is in his mental development. If a child or minor does not have the capability to evaluate and analyze situations which may involve abstract symbolism, he/she will need the guidance and advice of a parent or guardian. Jean Piaget, a Swiss psychologist, spent most of his adult life studying cognitive development. He formulated a theory of how children go about the business of learning the methods of concept formation. Piaget stated that children learn concepts only as they go through a series of developmental stages that are sequential in nature and biologically based. The thinking processes are a biological extension of inborn motor processes.

The students in Junior High and in High School are in the concrete operations and are only beginning to enter the developmental stage. The child wants facts and wants the facts to be specific, but he or she cannot separate facts from hypotheses during this stage. The youth's ability to develop full, formal patterns of thinking based on abstract symbolism must await maturation.

According to Erik Erikson, a German-born personality theorist, the mature personality is not realized during adolescence. The mature personality should have a sense of identity and the climax of this search (identity crisis) occurs during adolescence.

From my experience at Victor Schools for seven years and considering all the dysfunctional families present, I know there is at least one parent or guardian that a student could turn to for advice.

In conclusion, I greatly support Victor's district policies for parental notification and permission of all activities that the student is partaking in. Communication is the key to a student's right to an educational experience which helps to build a positive self-image and self-concept.

Senate Bill 404 involves the parent; I support it as a teacher and adult concerned for the future of Montana's youth.

Thank-you.

SENATE BILL #404

Proponent

February 20, 1991

SENATE HEALTH & WELFARE

EXHIBIT NO.

5

DATE

2/20

BILL NO.

SB 404

I am Jo Lyn Kuser of Helena, MT. My husband and I have been licensed foster parents since 1975, both with the Social and Rehabilitation Service and currently with the Casey Family Program. We also worked 5 years for Missoula Youth Homes, a group home for Youth in need of supervision and Delinquent Youth. In all, we have had over 50 teenagers live with us. I support Senate Bill # 404 and I come to speak to contradict a fallacy about this legislation.

Many of the kids who have lived with us have experienced sexual abuse of some form from their father/step-father/or other male figure in their home. The opponents of this bill keep arguing that if a girl finds herself pregnant as a result of this abuse, she would be at risk if she has to notify the abuser that she wants an abortion. First of all, she doesn't have to notify the abuser. This bill actually protects the girl. But think this through logically. Imagine that you yourself have been guilty of sexually molesting your teenage daughter/step-daughter. Would you rather she carry that pregnancy through to completion or have a quick abortion before anyone realizes that she is pregnant and starts asking questions? The answer is quite obvious. The abortion would help keep your incest a secret.

We have never had a girl pressured into carrying a baby but we have had girls pressured into having abortions by parents who didn't want to be embarrassed or help with finances, or by boyfriends who didn't want the responsibility. Boyfriends are a major source of pressure.

We did have a girl who had an abortion at age 15 before coming to live with us, and 9-10 months later, while in the child development class at Capital High School, she studied fetal development. This really upset her as she said that no one had ever explained this before her abortion and she had never really thought about the fact that her baby was so developed. Thinking she was again pregnant and being pressured to have an abortion by a counselor at Capital High School and her boyfriend, both who were ignorant of her first abortion and subsequent guilt, she chose instead to attempt suicide and ended up in the support unit of St. Pat's hospital. No one there knew the reason for the suicide attempt and she was placed in our home until they could determine the source of her depression. Her parents paid for her week long hospital stay, her foster care payments while she was with us and all her counseling sessions for the 4 months following as she began to deal with the causes of her depression. It was finally discovered that the abortion trauma, lack of information and follow-up, and, in her mind, having to face the same thing all over again with no other options pointed out to her, were more than she could handle. How can you hold parents responsible for the

financial needs of their daughter as a consequence of an abortion while denying them the right to know that she is contemplating one? The school counselor who was pressuring her into the abortion on the grounds that "it was time she started thinking of her own needs" didn't know her past and the girl, because of her intense guilt, wasn't volunteering it.

This issue is not pro-life/pro-abortion. To be honest, the passage of this bill could actually cause the abortion numbers to rise. Why? Because one thing that prevents young girls from having abortions is the fact that many teenagers don't have access to \$300.00 cash and our abortion clinics run on a cash only, in advance, basis. They are businesses, concerned about profits, not social service programs. When girls notify their parents of their desire to have an abortion they have a better source of coming up with the money.

This issue is, however, about family and parental rights - the right of all parents to raise their children in the way that they see fit - either Catholic, Protestant, Jew, atheist, etc. We, as parents, are constantly instilling our values on our children and all a Parental Notification bill does is to allow this to happen. This legislature just reinforced this idea last week when it gave birth parents some rights in choosing adoptive parents for their child. This bill allows the very people who love that girl the most to have some influence in her life, not school counselors or self-serving boyfriends or abortion clinic personnel who gain financially when an abortion is done.

Please use your own wisdom when deciding on this bill and let your decision be made on the side of justice, fairness, and the strength of the family in instilling its values on the next generation.

Thank you very much for your time.

Jo Lyn Kuser
Jo Lyn Kuser
5534 Canyon Ct.
Helena, MT 59601

- 7:30 pm 2-20-91

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 20 day of February, 1991.

Name: Allison Hiotler

Address: 7535 Hwy 12 West
Flagstaff, AZ 86001

Telephone Number: 443-5855

Representing whom?

Right-to-Life

Appearing on which proposal?

Senate Bill 404

Do you: Support? X Amend? _____ Oppose? _____

Comments:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

SENATE HEALTH & WELFARE

EXHIBIT NO. 6

DATE 2/20/91

SBILL NO. 404

My name is Allison Myster, I am a teenager supporting SB 404. If I became pregnant and wanted to have an abortion, because I didn't know any better and was scared to death, I would want someone to notify my parents, so that they could help me through my troubled time. Parents need to be involved with their children's actions, to help their children build strong values and form a bond of love. When my parents care enough to want to know what is going on in my life, I feel secure and cared for, knowing they'll always be there for me. Please support SB 404, Thank you.

Committee Members:

The laws of contract state that the signature of a person is the SB 404 proof of his consent that binds him under the laws of contract. A signature must be obtained before the abortion may be performed. Therefore a contract exists. However for the contract to be legal and binding there must be competent parties. That definition includes that there are those who are limited in their capacity to make contracts, specifically those who lack mental capacity and those lacking legal capacity. Minors do not have the "legal capacity" to make a binding contract. This is not a presumption but a fact. (see any law book on the laws of contract.) The Montana code has made an exception for abortion so that a minor can obtain an abortion. But consider this inconsistency. A girl under the age of 16 does not have the "legal capacity" to give her consent to sexual intercourse (M.C.A. 45-5-503). Also a girl seeking a marriage license must be 18 unless a judicial determination has been made for cases involving 16 and 17 year olds (M.C.A. 40-1-202). If it is not considered legal for her to make these types of decisions, then those same age girls should not be given the authority to give "valid" self-consent to partake in aborticide. A minor may be physically capable of bearing a child, but that does not mean that the law regards her to be capable of giving a lawful consent. As an example a 14 year-old girl may be in the family way, but the law does not allow her to operate a motor vehicle.

Parents must be notified before an abortion is performed on their minor daughter. Please pass SB 404.

Ruth Botly
Ruth Botly
840 Bear Creek Trail
Victor, MT 59875

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 20 day of February, 1991.

Name: Alan Myers

Address: 5530 Skyway Dr.
Missoula MT 59801

Telephone Number: 251-3454

Representing whom?

self & husband as parents of 4 daughters

Appearing on which proposal?

SP 1104

Do you: Support? ☒ Amend? ☐ Oppose? ☐

Comments:

Help us promote communication instead
of secrecy. We, who are parents, are
far more concerned for our daughters
than are abortion providers who can
"counsel" our daughters on such serious
matters.

7:30 pm 2-20-91

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 20th day of December, 1991.

Name :

Address: 1313 11th Avenue.

Werner MIT 59601

Telephone Number: 442-5711

Representing whom?

myself

Appearing on which proposal?

SB 404

Do you: Support? ☒ Amend? ☐ Oppose? ☐

Comments:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 20 day of Feb, 1991.

Name: DIANE SANDS

Address: 2626 Garland | P.O. Box 1099
Missoula MT 59803 | Helena, MT 59620

Telephone Number: 251-5551 442-7917

Representing whom?

MIT. Women's Club

Appearing on which proposal?

SB 4/04

Do you: Support? _____ Amend? _____ Oppose? X

Comments:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slightly textured appearance and some minor blemishes or dust specks. The edges of the paper are slightly irregular.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

MONTANA WOMEN'S LOBBY

P.O. Box 1099

Helena, MT 59624

406/449-7917

Testimony on Senate Bill 404

Diane Sands, Montana Women's Lobby

2/20/91

SENATE HEALTH & WELFARE

EXHIBIT NO. 8

DATE 2/20/91

BILL NO. 404

Senator Eck, Members of the Committee:

Let's be honest about this bill. The purpose of SB 404 is not to promote family communication or to help kids in abusive family situations. These laws are not introduced by medical groups, family therapists, family physicians, youth advocates, young women's associations, child abuse groups or other organizations. They are introduced by anti-choice groups which have as their goal ending all abortions. The purpose of SB 404 is to make abortion difficult if not impossible for a minor to obtain in a safe and confidential manner.

The controversy here is not over parent involvement. Every reasonable person in this room recognizes the desirability of parental involvement in a pregnant teen's decision. Happily the majority of Montana families can talk to each other and most teens do involve their parents in difficult life decisions, including the decision to terminate a pregnancy.

The controversy here is **mandatory parental notification**. And let's be clear here as well. Notification is no different than consent in its impact on real people. Notification of parents in an abusive or dysfunctional family is an opportunity for those parents to force their consent. Parents hold the power to force an unwanted pregnancy, force an unwanted marriage, or force the girl from the parent's home.

Most parents feel keenly their responsibility to care for and protect their children, and, understandably, want to be a part of major decisions in their lives. The majority of the approximately 300 teens in MT who each year choose abortion do so with their parents' involvement. However, for teens who cannot communicate with their parents, often because of violent or unstable homes, parental notice can endanger their health, and in extreme cases, lead to a teenage woman's death, as it did for Becky Bell in Indiana and April Spring of Idaho, who was killed by her father when she told him she intended to abort the pregnancy which he had caused.

Let's look honestly at the negative impacts of mandatory parental notice. In 1981, two states enacted parental consent or notification with judicial bypass similar to the bill before us. Massachusetts, which had 7 years of experience with the law and Minnesota, which had 5 years. I will

submit expanded testimony about the experience of these two states but let me discuss just a couple of findings.

PARENTAL NOTIFICATION NEGATIVELY AFFECTS PARENT-CHILD COMMUNICATION. As Justice Marshall stated in Hodgson v. Minnesota, relying on extensive factual finding made by the district court, "[t]he disclosure of a daughter's intention to have an abortion leads to a family crisis, characterized by severe parental anger and rejection. The impact on any notification requirement is especially devastating for minors who live in fear of physical, psychological or sexual abuse."

PARENTAL NOTIFICATION ENDANGERS MINORS' HEALTH.

Instead of protecting minors, these laws increase their health risks. In Minnesota and Massachusetts the number of second trimester abortions performed on minors rose by 26 and 27%. Teenagers typically delay in telling anyone about pregnancy, court appearances delay the process even more. While the parent notification law was in effect in Minnesota, approximately one-quarter of minors underwent second trimester abortions. (In contrast, in Montana 97% of abortions are in the first trimester. It is reasonable to expect that second trimester abortions will increase by similar percentages in Montana to add about 75 second trimester procedures with attendant additional health risks and cost.) In addition, the focus of pre-abortion counseling is then on the trauma of the court experience and not the minor's thoughts, feelings and concerns about the abortion decision and procedure itself.

The American College of Obstetricians and Gynecologists and the American Academy of Pediatrics both oppose parental notification laws because they jeopardize the relationship of patient and physician, and exacerbate the tendency of "at risk" teens to deny their condition and to delay seeking health care.

JUDICIAL BYPASS. Judges, lawyers and clinic personnel agree that the experience of going to court is an extremely traumatic one which serves no useful purpose. The minor may fear explaining intimate detail of their personal lives and dangerously delay seeking the bypass. In Montana's rural counties, a judge may not even be available more than 1 week out of 4, and in most rural counties, a young woman's chance of even entering a courthouse with an degree of confidentiality is near zero. As many as 23 court personnel know she is seeking judicial bypass (based on MN study) and in Montana, she is likely to be known personally to many court personnel. And after all this trauma to the young women in obtaining a judicial hearing, in both MN and MA, judges routinely rubber stamped the procedure. (In MN, over 5 years and 3,500 petitions, only 9

were denied.) Judge Paul Garrity, MA Superior Court Judge, who is morally opposed to abortion, said the MA statute is "utterly preposterous. The court is a pure rubber stamp. All the law does is to harass kids. It sets up a barrier to abortion."

Five years of experience in both MN and MA has clearly shown that the law increases the risk to minor's health, drastically increase the number of second trimester abortions, is punitive to those who have poor family relationship, contributes to the tragedy of teenage childbearing, and has only served to increase the trauma of an unwanted teenage pregnancy.

Members of the Committee, if you pass SB 404 somewhere in Montana you are going to force a teenager to carry a pregnancy to term against her will, or to seek an illegal or dangerous self induced abortion like the one that killed Becky Bell in Indiana, or to endanger her life by telling an incestuous father like Idaho's April Spring did. That is the bottom line.

This is not a bill about family communication or helping troubled teens. This is a restrictive abortion bill that will endanger the lives of young Montana women. We urge you to vote no on SB 404.

Exhibit # 8
7:30 pm 2-20-91

Outline of Testimony - Brendon Nordlund

MT Const Article II §10

SENATE HEALTH & WELFARE

EXHIBIT NO. 9

DATE 2/20

BILL NO. SB 404

as yet untested re: reproductive freedom
framers contemplated encompassed
reproductive freedom choices
Committee report adopting §

- Griswold v Connecticut 1964
contraceptives by married

- ~~providing~~ ^{complex} scope of individual

~~privacy~~
Search & seizure provisions of
Fed bill of R/ not adequate
to protect ind. privacy
in increasingly complex
society

MT - one of 4 states w/ express
independent individual privacy
clause

Alaska, Calif, Fla
2 of 3 have recently struck down
parental consent statutes on
independent state grounds premised
on state R/ to ind privacy

X w/ judicial
bypass

state R/ afford greater protection
than Fed R/

Roe progeny including Hodgson
does not ceiling

state interpretations persuasive

In re: TW 550 So.2d 1186 (Fla 1989)

American Academy of Pediatrics

v. VandeKam

State

214 Cal App 3 8318

- neither instance did Ct's have any difficulty holding R/ to privacy clause encompasses decision whether to terminate a pregnancy and extend R/ to unemancipated minors

Mt law recognizes heightened area of privacy - PG, VD, chemical

(w/o provision similar to McConest Art II §15) minor rights enhanced not limited

compelling state interest analysis rather than significant interest standard fashioned by US Supreme

(A) protecting minor's well-being of immature minors

not sufficiently compelling to justify in other than abortion - birth's minor's initial adoption, VD, chemical abuse
regulation creates arbitrary distinction between similarly situated groups term

(B) integrity of family; preserving parent child relationships

Calif - evidence did not support furtherance of objectives

- least intrusive means -

Fla lack of procedural safeguards no exception for emergency or therapeutic abortion

Federal

Hodgson Section 7 (1)(b) unconst'l immature minors

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 30 day of February, 1991.

Name: CAROLYN A Clemens

Address: 814 Gilbert

Helena

Telephone Number: 443-3619

Representing whom?

Self

Appearing on which proposal?

404

Do you: Support? Amend? Oppose? X

Comments:

I am an attorney who has been dealing on a daily basis, for nearly 10 years, with the Youth Ct. In my experience, I find that it is impossible to legislate family relations. The children I see daily are those who are abused, neglected and delinquent. They are at high risk for teen pregnancy. These children have no relationships with their families, or at best, they are very strained. The judicial by-pass appears to give these minors another option. However, the procedure for getting before a judge is cumbersome, intimidating, & is totally beyond the reach of most teenagers. Although Confidentiality

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is stressed, very few matters remain Confidential in a Courthouse.

of further concern, is the possibility of a youth ct. judge or attorney for the minor having a bias on this issue before ever considering the individual case. A judge has a great deal of discretion in granting or denying a petition, & a minor would have no choice in who the judge or attorney would be.

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 20th day of February, 1991.

Name: RANDI HOOD

Address: 1401 Jerome

HELENA, MT 59601

Telephone Number: 443-3256

Representing whom?

self

Appearing on which proposal?

SB 404

Do you: Support? ☐

Amend? ☐

Oppose? ☒

Comments:

I am a public defender representing most juveniles in Lewis & Clark County. Most of these children come from dysfunctional families. Legislation can not make communication between parent and child effective. The judicial bypass provided will not insure confidentiality. It will allow abortion decisions to be made or influence by judges and attorneys with their own biases. The appointment of guardian ad litem allows those guardians to supplant their wishes for those of the minor.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

SENATE HEALTH & WELFARE

EXHIBIT NO. 12

DATE 2/20

BILL NO. SB 404

Good Evening, madam chairperson and members of the committee. My name is Deborah Frandsen and I'm a homemaker and community volunteer from Missoula. I'm speaking tonight in opposition to Senate Bill 404, the parental notification bill. As a concerned mother, my first impulse was to believe that this was good legislation. It wasn't until I read more about how laws like this hurt teenagers in other states that I considered that this might not be the answer to a very complex problem in our society. The problem is, of course, teen pregnancy and also dysfunctional families. Does this law help them? I think not.

This evening you've heard, or will hear, strong facts and personal experiences that support my concern that parental notification laws are unnecessary for healthy families and can be explosive for troubled families. But I'm not here to talk about those families, I'm here to talk about mine.

My daughter's only five, but you know how it is, "snap" they're teenagers. Of course, we pride ourselves on being a family that talks, that's honest and that really communicates about love, sexuality and responsibility. I'm a volunteer at Planned Parenthood so I feel comfortable speaking frankly about this issues. But that might just be the problem...

No matter how much we will tell our daughter that she can tell us anything, she might feel too embarrassed to inform me, the past president of Planned Parenthood, that she has an unplanned pregnancy. She might also feel hesitant about a judicial by-pass since Missoula is, in reality, a small town and

we know or are friends with several judges, most of the public defenders and the clerk of the court.

I would pray that she would feel that she could tell us but if she believed she couldn't, I would also pray that she would be allowed to seek safe, legal and caring medical services. But if this law were in place, she might make a foolish decision, as teens often do, and she might resort to an illegal abortion - and she could die. She is and will be our only child, please don't pass this bill and endanger her life. Allow her to be able to seek competent medical care should she choose an abortion - not to feel trapped into a dangerous and potentially deadly decision. Her father and I thank you.

February 20, 1991

TESTIMONY - SENATE BILL 404

SENATE HEALTH & WELFARE

EXHIBIT NO. 13

DATE 2/20

BILL NO. SB 404

I have been the director of the Family Planning Clinic in Butte for the past five years. Prior to my position as director, I was the counselor at the clinic for 12 years. I am also a single parent of two teen-aged daughters, Maria-17 and Erin-14.

At our clinic as with all family planning clinics we thoroughly counsel and educate all patients who come into our clinic with a positive pregnancy test, discussing all the options a patient has available to them. The patient is counseled confidentially and objectively, to assist them in making an informed decision regarding her pregnancy. Teenage patients are all strongly encouraged to involve a parent or other family members.

In spite of all the efforts by parents, schools, community projects and clinics such as ours, women are faced each day with unintended and unwanted pregnancies. These pregnancies happen for a variety of reasons. Many of these women are teens 18 years of age and under. In our clinic alone from Oct 1, 1989 through Sept. 30, 1990, we saw 63 pregnant girls age 18 and under. A good portion of these pregnant girls were scared to death and many had tried to deny their pregnancy for some time. Many came from dysfunctional families and a good percentage from single parent families.

After receiving counseling, the majority of minors do tell their parents and seek their advice and assistance when considering an abortion. But many teens have no help at home. At times parents are absent, sometimes abusive and often alcoholic or drug dependent and are not able to provide their children with the guidance that is needed. Sometimes a teen pregnancy is the result of incest or sexual abuse.

As mentioned before many teens come from single parent families and have only one parent to turn to. If this parent is not approachable for whatever reason the teen is on her own or under the proposed bill, would have to petition the court for exemption of parental notification.

A teen may have a very difficult time putting a personal decision in the hands of a judge. The teenagers perception of judges is someone who gives disciplinary action for wrong-doing. Going to Court and having your personal story heard by a judge and courtroom personell would be intimidating to anyone especially teenagers. This intimidation and fear could result in a delay in doing anything about the pregnancy or their opting for an un-safe, illegal abortion.

In regards to my family situation, I have always tried to promote open communication with my daughters. However, if they choose not to come to me for whatever reason, I would respect that choice and hope they had a place to go where objective counseling would be provided for them. My daughter related to me that she was intimidated by the judge when she had to see him about a traffic ticket. She stated "I would die if I had to talk with a judge about being pregnant."

If my daughter choose not to come to me and was fearful of seeing a judge, I am very concerned that she would resort to an option that was not safe for her.

Teens who are able to discuss a pregnancy with their parents do so. Those who cannot should not be unfairly penalized.

Thank you for your time and consideration.

Diane Manning
Director-Family Planning

SENATE HEALTH & WELFARE

EXHIBIT NO. 1A

DATE 2/20

BILL NO. SB 404

DATE _____

BILL NO. _____

February 20, 1991

Colleen Lippke
1710 Hudson
Helena, Mt. 59601

TESTIMONY AGAINST SB404

Member of Montana State Chapter of National Association of Social Workers

President of Montanans for Choice

I am opposed to SB 404. The supporters of this bill would have you believe that you can legislate family communication, it has been my experience in the child protection field that you can not. The vast majority of young women who become pregnant involve their families in the decision making process. In those cases where they do not it's because of physical or sexual abuse or because of an extreme dysfunctional family. Girls do become pregnant as a result of incest or other familial abuse. Often they do not reveal this to anyone, and do not even when questioned. Is it fair to force these women to go through an added process of going to a judge?

In Idaho a young woman who was pregnant with her father's child was murdered by him when he found out that she was planning on having an abortion. This could easily happen in Montana if this bill was to become a law.

As a social worker I believe in family communication, this bill is not the answer. I urge you to oppose this bill.

PARENTAL NOTIFICATION FOR MINORS' ABORTIONS:
Effect of Proposed Law in Montana

Mike Males

28 December 1990

Groups opposed to abortion in Montana have proposed a law requiring doctors to notify the parents, and possibly obtain their consent, before performing an abortion on a minor. Under present law and practice of most Montana abortion providers, a girl under the age of 18 may obtain an abortion without her parents' knowledge or consent. A bill in the 1989 legislature to require parental notification lost on procedural rules even though two-thirds of the legislators voted in favor of it.

Currently, parental notification or consent laws are in effect in 11 states, with those in Minnesota and Massachusetts enacted in 1981 the oldest. Massachusetts' law requires consent of one parent, and Minnesota's notification of both parents, before a minor can obtain an abortion. Court rulings have required a "judicial bypass" procedure under which a minor can go to court and obtain authorization for cause to obtain an abortion without parental involvement. Parental notification/consent laws which contain "judicial bypass" procedures were upheld by the U.S. Supreme Court in a June 25, 1990, ruling which focused on the rights of states to enact such laws rather than their merits.

This study addresses the merits of parental notification/consent laws by comparing experience with such laws in Massachusetts and Minnesota with Montana's experience without such laws. Chief conclusions are as follows:

- (1) Parental notification laws do not promote parental notification. Under Montana's voluntary system, 76% of the minors involve their parent before obtaining an abortion. Only 60% of the parents of minors seeking abortions are notified in Minnesota, and 55% in Massachusetts, under mandatory laws.
- (2) The chief effect of parental notification/consent laws is to send approximately 1,100 Massachusetts minors (29% of the total getting abortions) and 300 Minnesota minors (17%) across state lines every year to obtain abortions elsewhere. Less than 3% of all abortions to Montana minors are performed in other states.
- (3) Parental notification/consent laws do not reduce teenage pregnancy. From 1980 to 1985, pregnancies among minors decreased no more in Minnesota than in Montana. Teenage pregnancy rates in Massachusetts did not change.
- (4) Parental notification/consent laws do not deter abortions. The percentage of minors who terminated their pregnancies by abortion in 1985 was 59% in Massachusetts, 54% in Minnesota, and 43% in Montana. Abortions to minors decreased faster in Minnesota when the law was suspended from 1986-88 than when it was in effect from 1981-85.
- (5) Parental notification/consent laws do not increase reporting of child abuse. Minnesota Department of Human Services officials are not aware of a single child abuse case reported due to that state's law.

- (6) Judges who handle judicial bypass cases in Massachusetts and Minnesota agree that parental notification/consent laws cause minors

anxiety, fear, anger, and shame at having to describe intimate details of their lives in court and do not promote family harmony or minors' welfare. Such laws add delays that cause an increase in riskier, costlier later-term abortions to minors.

(7) Parental notification/consent laws may cause abuse of minors. The U.S. District Court for Minnesota's 1986 review found that "notification [as to] the minor's pregnancy and abortion decision can provoke violence... and harassment" in troubled families. In Montana, there are 1,800 confirmed cases of physical and sexual abuse of minors every year. At least 5,000 minor teenage girls in Montana have been abused by a parent or caretaker.

(8) The "judicial bypass" procedure has not functioned well in rural areas of Minnesota and Massachusetts and would cause greater problems in even more rural Montana. Eight of Montana's 19 judicial districts are larger than the entire state of Massachusetts and entail extensive travel to reach a district court.

(9) Support for parental notification/consent laws stems largely from a feeling among many adults that teenage sex and pregnancy are "out of control." In fact, "teenage" pregnancies are largely caused by post-teen adult men, are modeled on adult behavior, and closely follow the patterns of teens' families, cultures, and times.

BACKGROUND

Current law and practice. Montana law (41-1-402ff, MCA) currently allows minors to obtain a variety of medical services without parental notice or consent. Minors who were ever married or ever had a child, have graduated from high school, are emancipated, or are separated from their parents may consent to medical treatment as an adult. Minors may also consent to treatment for any communicable disease including venereal disease, condition of pregnancy, alcohol and drug abuse, and medical or psychiatric emergency. An older section of law stating that minors' self-consent does not apply to abortion has been superceded.

The logic of self-consent is to permit needed treatments when embarrassment or fear of disclosure to parents would deter a minor from seeking medical help, or in emergency circumstances in which notifying parents would cause harmful delay. Whatever controversy surrounds the abortion issue, it is currently recognized as a legal treatment falling under personal privacy rights. Minors who self-consent are fully liable for the costs of treatment.

There is no evidence that minors or doctors have abused current Montana law. The number of abortions to minors decreased from 358 in 1980 to 320 in 1988, consistent with youth population declines. Abortion costs about \$400 in the first trimester, less than even the most routine surgery, and does not require hospitalization. Modern abortion is less hazardous than a penicillin shot and is one-twelfth as risky as having a baby (Ref. 6). In the 16 years from 1958 through 1973, before Montana legalized abortion, there were four deaths attributed to abortions and 42 deaths from pregnancy complications. In the 16 years of legal abortion from 1974 through 1989, there have been no patient deaths in Montana from abortion and seven due to pregnancy complications (Ref. 8).

Minor pregnancies. In 1988, there were about 800 pregnancies among 30,000 minor girls age 13-17 in Montana, resulting in 407 births, 320 abortions, and the rest miscarriages. Fifteen percent of all abortions in Montana are to minors; by comparison, 22% are to women over age 30 (Ref. 5). Montana's minor pregnancy rate is 32% below, and abortion rate is 39% below, the national average, but both are higher than the Northern Rockies average. The abortion rate for Montana girls age 13-17, about 1.1% annually, is similar to the abortion rate for Montana women age 18-40.

NOTIFICATION/CONSENT LAW EXPERIENCE

Minnesota's parental notification law was in effect from August 1981 until struck down by a U.S. District Court ruling in November 1986, and was reinstated by the U.S. Supreme Court in June 1990. Massachusetts' parental consent law took effect in May 1981 and remains in effect.

Effect on teenage pregnancy. The table shows the number of births, abortions, fetal deaths, and total pregnancies among minor girls in Minnesota in 1980 (before the law took effect), 1985 (its last full year in effect), and 1988 (the latest year available, law not in effect). Corresponding figures are provided for minor girls in Montana.

Pregnancies to minor girls decreased at almost identical annual rates of 2.5% (Minnesota) and 2.6% (Montana) from 1980 to 1985, indicating no particular effect of Minnesota's notification law in deterring teenage pregnancy. Further evidence of this lack of effect is that teenage pregnancies declined even faster in Minnesota (2.9% annual rate) through 1988, when the law was suspended (Refs. 4, 5).

Contention by critics that notification laws increase teenage births and welfare costs are not supported. From 1980 to 1985, birth rates among Minnesota girls fell 14%, similar to Montana's decrease (Ref. 4). Births to Minnesota girls remained stable after the law was suspended in 1986.

Studies of Massachusetts' parental consent law similarly shows no decrease in teen pregnancy. Earlier estimates that notification/consent laws caused drops in teenage pregnancy and abortion resulted from failure to account for increased out-of-state abortions sought by minors, which occurred in both Minnesota and Massachusetts.

Effect on abortion. Studies of Massachusetts show no decline in teenage abortions after the consent law took effect. However, Minnesota experienced a 12% increase, and Massachusetts hospitals also report a rise, in minors obtaining riskier, costlier second trimester abortions after their laws took effect (Refs. 2, 6). (In Montana, second trimester abortions must be performed in a hospital at greater expense). It is likely that the table understates the number of abortions to Minnesota girls since no data was available from Iowa, a state near Minnesota's population centers which has no notification law. Abortions decreased at a much faster rate in Minnesota after the notification law was suspended (1986-88) than when it was in effect (1981-85), indicating no deterrent effect on abortion incidence (Ref. 4).

Montana girls are less likely to terminate a pregnancy by abortion than girls in Minnesota or Massachusetts, a situation notification/consent laws have not changed. From 1981 to 1985, 59% of the Massachusetts girls, 54% of the Minnesota girls, and 43% of the Montana girls who were pregnant

MINORS' PREGNANCIES BY OUTCOME, MONTANA AND MINNESOTA, 1980-1985-1988

State and age	1980	1985	Change 1980-85	1988	Change 1985-88
MONTANA, AGE 12-17					
Births	562	432	-18.5%	407	0
Abortions, all	358	333	- 1.4%	320	+ 1.7%
In Montana	358	325		314	
Out of state*	na	8		6	
<u>Fetal deaths</u>	<u>6</u>	<u>4</u>		<u>4</u>	
Pregnancies	926	769	-12.1%	731	+ 1.0%
Avg annual chg			- 2.6%		+ 0.3%
Percent aborted	na	43.3%		43.8%	
Female pop. 000	39.56	37.33		35.20	
% out-of-state		2.4%		1.9%	

MINNESOTA, AGE 12-17		Notification law in effect, 1981-85		Notification law suspended, 1986-88	
Births	2033	1573	-14.0%	1575	- 2.3%
Abortions, all	2327	1880	-10.2%	1666	-13.5%
In Minnesota	2327	1570		1606	
Out of state*	na	310		60	
<u>Fetal deaths</u>	<u>14</u>	<u>15</u>		<u>13</u>	
Pregnancies	4374	3468	-11.9%	3254	- 8.5%
Avg annual chg			- 2.5%		- 2.9%
Percent aborted	na	54.2%		51.2%	
Female pop. 000	212.36	191.15		195.82	
% out-of-state		16.5%		3.6%	

*Out of state abortions include actual totals for minor girls obtaining abortions in North Dakota (1 Montana, 62 Minnesota), Idaho (1 Montana), and Washington (4 Montana); estimated totals from partial figures for Wisconsin (200 Minnesota); and an additional 20% added to totals for both states to allow for abortions obtained in Iowa, South Dakota, and Canada, for which no actual or partial figures were available for 1985. There were no records of minor girls from Montana obtaining abortions in Minnesota or vice-versa in 1985.

Sources: Montana Department of Health and Environmental Sciences, Bureau of Records and Statistics; Minnesota Department of Health, Center for Health Statistics; Vital Statistics bureaus in Idaho, Washington, Wisconsin, and North Dakota, and Statistics Canada.

obtained abortions. Minnesota girls were slightly less likely to end a pregnancy via abortion in 1988 (51%) when the law was suspended.

Out-of-state abortion. "The major impact of the Massachusetts parental consent law has been to send a monthly average of between 90 and 95 of the state's pregnant minors across state lines in search of an abortion" (Ref. 2). In 20 months after the law took effect, Massachusetts minors obtained 1,872 abortions in nearby states, three times the number before the law.

A similar effect is evident in Minnesota. The number of out-of-state abortions to Minnesota minors in 1985, when the parental notification law was in effect, was five times the number in 1988, when the law was not in effect. In 1985, one in five abortions performed in North Dakota and one in ten performed in Wisconsin on minors involved Minnesotans. Minors in Minnesota were seven times more likely to go out of state for an abortion (16.7%) than minors in Montana (2.4%) when the notification law was in effect in 1985. Minnesota's out-of-state abortion rate for minors dropped sharply to nearly the level of Montana's in 1988 when the law was suspended. It would be lower still were it not for an abortion clinic opened in Fargo, North Dakota, convenient to western Minnesota.

Despite rumors that Montana girls go elsewhere for abortions, a check with health departments in surrounding states and Washington reveals very small numbers: Idaho (one Montana girl), North Dakota (1), Washington (4). Wyoming and South Dakota had no figures. Canada's restrictive abortion laws make it unlikely that many from either state go there (Refs. 4, 5).

Effect on parental involvement. In Massachusetts, 17% of the 9,000 minors seeking abortions from 1981 to 1985 obtained a court exemption from the parental consent law, and 28% went out of state to avoid the law (subtracting pre-law from post-law out-of-state abortions to Massachusetts minors) (Ref. 2). In only 55% of the abortions to Massachusetts girls was at least one parent notified.

In Minnesota, 30% of the girls obtained court exemption, and another 11% went out of state to avoid the law (again, citing only the increased out-of-state abortions when the law was in effect). Under Minnesota's "parental notification" law, only 60% of the abortions to minors involved at least one parent. Minnesota's rate of parental notification of minors' abortions is much lower than Montana's and is no higher than in Wisconsin, the latter of which have no notification laws (Refs. 1, 3).

In Montana, a December 1990 survey of clinics and physicians who provided most abortions turned up 380 abortions to minors in which the clinic had record of whether their parents were notified, consisting of a signed statement by the parent or the parent's actual presence. In 290 cases, or 76%, the minors chose to involve at least one parent. Other Montana abortion clinics contacted said this figure was accurate for their minor patients but had no record. Most added that girls who do not involve their parents very often involve another adult relative, such as an aunt or older sister, and that minors under age 16 nearly always involve a parent.

It is difficult to sort out why minors in Montana are more willing to involve their parents in abortion decisions voluntarily, without legal compulsion, than are minors in Minnesota and Massachusetts, where such notification is mandated by law. The Minnesota U.S. District Court review found judges who handled some 3,500 judicial bypass hearings under that state's law in agreement that many of the minors who appeared in court were

"angry and resentful" at the law's requirements (Ref. 7). Legal mandates to force family communication may backfire by making young people more defiant than if the decision to notify parents were left to them.

Effect on child abuse reporting. Minnesota's law requires that if a minor cites abuse as the reason she is seeking exemption from notifying her parents of her abortion decision, report must be made to state officials for action. Claim has been made that notification laws protect minors by increasing the reporting of child abuse.

Whatever the theory, this is not the case in practice. Minnesota Department of Human Services Child Protective Services officials contacted in December 1990 were not aware of one case of child abuse reported through state courts due to the parental notification law. As the U.S. District Court review noted, "Notification to government authorities (of abuse) creates a substantial risk that the confidentiality of the minor's decision to terminate her pregnancy will be lost. Thus, few minors choose to declare they are victims of sexual or physical abuse, despite the prevalence of such abuse in Minnesota as elsewhere" (Ref. 7). Minors do not reveal abuses under notification/consent laws because such sensitive revelations require circumstances in which the minor feels comfortable and trusting. Notification laws create just the opposite atmosphere.

Effect on abuse of minors. A 1990 National Academy of Sciences study found that "parental notification and consent laws do not protect pregnant adolescents from harm. Rather, they often cause it" (Ref. 6). The U.S. District Court review of judges who handled 3,500 judicial bypass cases in Minnesota found that "notification [as to] the minor's pregnancy and abortion decision can provoke violence... and harassment" in "an abusive, dysfunctional family" (Ref. 7). In 1988, Montana investigators confirmed 1,800 cases of sexual and physical abuse of minors, two-thirds inflicted by parents or other caretakers. The 1990 Montana Adolescent Health Status report notes that 26% of all girls are sexually abused before reaching age 18. At least 5,000 minor teenage girls in Montana have been sexually or otherwise violently abused by parents and other legal caretakers.

Research shows that abuse, particularly sexual, is a predictor of early pregnancy. Only 13% of Montana's girls become pregnant while a minor, and those who do are disproportionately from abusive homes. Only 6% of Montana's girls seek an abortion as a minor, and three in four of these inform at least one parent. Thus only 1.5% of the minors in the state attempt to obtain an abortion without involving their parents, and these girls are likely to be from the state's most violent, abusive, alcoholic, and/or harshly judgmental families. Girls' reasons for not wanting their parents notified of their abortion decisions range from fear of violence and abuse to fear of being disowned, adding to family conflict and instability, and being judged a disappointment (Refs. 1, 6).

Effect on minors' well-being. The U.S. Supreme Court has recognized that abortion is a private matter, though that ruling is subject to vehement dispute. It is clear that for now, adults have reserved to themselves the right to legally terminate a pregnancy without involvement of persons other than individual and physician.

Parental notification/consent laws require that a young female minor seeking exemption explain in court to a judge (usually an older male) with other strangers present the circumstances of her pregnancy and to justify her decision to obtain an abortion. As Minnesota's U.S. District Court

review found, minors who go to court are often "apprehensive," "guilty and ashamed," and "so upset by the bypass proceeding that they consider it more difficult than the medical procedure itself." The "anxiety resulting from the bypass proceeding may linger until the time of the medical procedure and thus render the latter more difficult than necessary."

Judges described the bypass procedure as "nerve-wracking" for girls. One noted, "the level of apprehension that I have seen... is twice what I normally see in court... You see all the typical things that you would see with somebody under incredible amounts of stress, answering monosyllabically, tone of voice, tenor of voice, shaking, wringing of hands..." Judges in Massachusetts similarly described their consent law as "absolutely traumatic" for minors seeking abortions (Ref. 7). Another review found: "Some nervous teens vomited during court proceedings, one began to self-abort spontaneously. And one girl, whose father was a prominent pro-life politician, contemplated suicide before petitioning a judge for an abortion" (Ref. 9).

It should be noted that the minors in these circumstances are charged with no crime and have committed no worse lapse of judgment in becoming pregnant unintentionally and seeking abortion than is committed by 1.3 million adult couples, including 2,000 in Montana, ever year. Minors sought 314 abortions in Montana in 1988; women over age 30 sought 472. Further, four out of five pregnancies among minor girls in Montana are caused by adult men who are subjected to no similar court ordeal.

None of the judges surveyed by the U.S. District Court reported "a single positive effect of the law... The law has, more than anything, disrupted and harmed families. Defendants offered the court no persuasive testimony upon which to base a finding that Minnesota's parental notification law enhances parent-child communication, or improves family relations generally... Five weeks of trial have produced no factual basis upon which the court can find that [the statute] on the whole furthers in any meaningful way the state's interest in protecting pregnant minors or assuring family integrity" (Ref. 7).

There has been no evidence that parental notification/consent laws assist minors in making abortion decisions. In 99.7% of the judicial bypass petitions filed in Minnesota, and 98.1% in Massachusetts, courts found minors mature and legally competent to obtain an abortion on their own consent. Those few petitions rejected were mainly because girls no longer wanted to proceed (Refs. 6, 7). Interestingly, studies show that parents so informed are more likely to counsel abortion than birth.

The U.S. Supreme Court, in two 5-4 decisions issued on June 25, 1990, upheld most provisions of parental consent/notice laws provided that judicial bypass is included. The majority opinion upheld the laws not on their merits, but on the technicality of evasion mechanisms.

"Judicial bypass:" how realistic in Montana? Reviews in Minnesota and Massachusetts have noted that "judicial bypass" functions in urban areas but deteriorates in rural counties, where minors have to travel long distances to go to court and one-third or more of the judges refuse on personal grounds to hear their petitions (Ref. 3).

Massachusetts' population density is 733 people per square mile, Minnesota's 51, Montana's five. Eight of Montana's 19 court districts are larger than the entire state of Massachusetts. "Judicial bypass" is posed

as an alternative to protect minors whose well-being would be threatened by parental notification, yet many rural minors in Montana would have to make lengthy weekday round trips to district courts in other towns, entailing fabricated absence excuses to school personnel and parents. For many rural minors, "judicial bypass" would not be a reality.

TEENAGE PREGNANCY "MISCONCEPTIONS"

Montana Department of Health records show that in 1988, more than half of the 800 pregnancies among minor (under age 18) girls -- some 400, resulting in 200 births and 170 abortions -- involved male partners over the age of 20. Records of births, marriages, and venereal disease by age consistently show that most such events among minor girls result not from contact with high school-age boys, but with adult men over age 20.

In contrast, minor boys caused about 150 total pregnancies among minor girls in Montana, less than one-fifth of all pregnancies among minor girls. A male over the age of 24 is more likely to cause a pregnancy to a minor girl than is a boy under the age of 18. In most cases statutory rape laws do not apply since Montana's age of consent is 16.

Adult-teen sexual liaison suggests a very different reality of "teen pregnancy" than its popular portrayal of "children having children." In only 1% of Montana's pregnancies, abortions, and births are both partners actually minors (under age 18); in only 3% are both teenagers. For pregnancies to Montana teenage girls, 10% involve two minors, 29% involve two teenagers, 71% involve an adult male over age 20 and a teenage girl, and 21% involve an adult male over age 25 and a teenage girl (see Ref. 5).

Many Montana adults, both with teenage partners and adult partners, model sexual behaviors likely to produce unintended and unwanted results. Half of all pregnancies, regardless of age of couple, are unplanned. Montana's birth rate to unmarried couples has risen by about 150% since the 1950s among all age groups. Thus adults play an essential role in so-called "teenage" pregnancies directly (by impregnation) and by example (modeling unwise sexual behavior).

Finally, Montana's teenage girls are not more likely to get pregnant today than in the past. In 1939, there were some 1,300 births among Montana teenage girls, and in 1957, 2,300, together with untold hundreds of miscarriages and illegal abortions (Ref. 8). The 1957 teen birth total alone is more than the total number of births, abortions, and miscarriages (2,100) among a larger teenage population in 1988. Despite the falling age of puberty and higher proportions of teenagers physically able to conceive today, the teenage (and adult) pregnancy rate has decreased due to more frequent use of contraception.

The large differences between the myths and realities of "teenage" pregnancy in Montana are essential to understanding support for parental notification laws. Support for these laws stems in large part from the mythical belief that today's youth are out of control, causing unheard-of numbers of pregnancies and requiring stern legal and parental intervention. Abortion, a practice opposed by large segments of society, is seen as a likely target for intervention; teenagers, a group not widely appreciated by adults, are seen as a likely target upon which to impose moral controls.

In fact, teenage sex and pregnancy is not new, is not "out of control," and is not a phenomenon separate from adult sex and pregnancy. Both follow the rules of cultural patterns and trends. Pregnancy, birth, and abortion rates among teens of the 1990s, Montana teens, white teens, or low-income teens can be accurately predicted from respective pregnancy, birth, and abortion rates among adults of the 1990s, Montana adults, white adults, or low-income adults. Addressing "teenage" pregnancy requires addressing sexual responsibility among all age groups.

CONCLUSION

Parental notification/consent laws accomplish none of the benefits theorized by their backers and have serious consequences for those pregnant minors whose families are abusive and judgmental. As the U.S. Supreme Court majority noted, parents can impose such pressure on their children that, in effect, notification can equal consent.

The decision to bear a child potentially entails not just nine months and personal risk, but a minimum 18-year, \$200,000 commitment. The idea that one person can impose that responsibility on another person has been rejected in legislative and judicial settings many times. The concept that a girl can be judicially ruled too immature to have an abortion but mature enough to be forced to become a mother defies logic.

The clear evidence is that Montana adolescents make responsible decisions on their own, without state compulsion, to involve their parents in abortion decisions, to involve other familiar adults in that decision when parents are not appropriate, and to make their own decision maturely when necessary. Parental notification laws are futile efforts to fix poor family relationships, which cannot be done by force or fiat.

Mike Males
Bozeman, Montana

28 December 1990

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Senate Standing Committee On Public Health, Welfare, And Safety

SENATE HEALTH & WELFARE

RE: SB 404 Parental Notification. Betty Bruski
Testimony submitted by: Ella Smith-Robson, PARENT
Huntley, Mt.
348-2569

EXHIBIT NO. 15
DATE 2/20
BILL NO. SB 404

I first became aware of parental notification and its implication at the beginning of the 1989 Legislature. My first reaction was one of support because as a mother I felt I had a right to know. I love my children and every fiber of my mother's heart cries out to hold them, protect them, and care for them. I am easily convinced they need me, particularly in moments of crisis. I harbor a deep and powerful conviction that I have an inalienable right to satisfy what I am convinced is a primal need to protect them. I feel very strongly that the responsibility for their protection rests firmly on my shoulders.

Responsibility, for me, means a thorough evaluation of any potential situation that might profoundly affect them. I knew my first reaction to the bill was emotional, that many of the women that I knew did not support it, and further, that "something" about it bothered me. I needed to know more, especially what that "something" was. I was already aware of the ballooning nightmare this bill could cause for the victims of incest, rape, and the children struggling to survive within dysfunctional families. But this bill touched something personal deep inside me. It touched the mother that I am and my daughter, who is MY baby.

My questioning was simple. What did "parental notification" imply? Most important, what would it mean to my daughter? I hoped that she would be willing to tell me. I wanted to believe that she would, but I could not be certain. There was a seed of doubt. I wondered whether any parent, regardless of relationships, believed with absolute certainty that they could predict the behavior of their children when those same children were bearing the weight of powerful emotions. To protect my daughters I taught them everything I understood about human behavior springing from sexual development, so that they might better understand the importance of behavioral precautions. I taught them every aspect of prevention of both pregnancy and venereal disease because I feared their lives might depend on it. If I didn't teach them, who would?

Fear flooded me as I understood one of the reasons my daughter might do foolish things rather than tell me. I understood, for the first time, that her reasons were not nearly so important as her safety. I understood that it is she who will make the final decision of what to do and where to turn. She has a mind of her own. I understood that ready access to a safe legal abortion is the safety net protecting our daughters when they choose to ignore our parental longings. I am a mother and the safety of my daughter outweighs everything else.

Please, I beg you, don't strip that safety net away. Instead, demand ready access to the best medical attention that science can provide and require a thinking, caring person to stand in the absent mother's place to provide what our children have denied us.

TO: Senate Public Health Committee
FROM: Mike Males

EXHIBIT NO. 1621 February 1991DATE 2/20BILL NO. SB 404

Testimony in opposition to SB 404

Parental notification laws have been in effect in several states, most notably Minnesota and Massachusetts for nearly a decade. Speculation on their effects is not necessary because they can be directly studied. In December 1990, I compared minors' pregnancy, abortion, and parental involvement experiences in Minnesota and Massachusetts to those of Montana's minors, with the following results:

1. The chief effect of parental notification laws is to force approximately 1,100 Massachusetts girls (29% of the total getting abortions) and 300 Minnesota girls (17%) to neighboring states to get abortions every year. Less than 3% of all abortions to Montana minors are performed in other states.
2. Parental notification laws do not lead to greater parental involvement in minors' pregnancy decisions. In Montana, a survey of abortion providers who have written records show that more than 70% of the minor girls obtaining abortions voluntarily inform at least one parent. In Minnesota, only 60% of the minor girls wind up informing at least one parent prior to getting an abortion, and in Massachusetts, only 55% do so.
3. Parental notification laws do not reduce teenage pregnancy. Earlier predictions did not take into account the hundreds of girls seeking abortions in other states. From 1980 to 1985, pregnancies among minors decreased at similar rates in Minnesota and Montana and did not decline in Massachusetts.
4. Parental notification laws do not deter abortions. The percentage of minors aborting their pregnancies in 1985 was 59% in Massachusetts, 54% in Minnesota, and 43% in Montana. Abortion among minors decreased more rapidly in Minnesota after the notification law was suspended in 1986 than when it was in effect from 1981 to 1985.
5. Judges who handled thousands of "judicial bypass" petitions filed by minors in Massachusetts and Minnesota agree that parental notification laws cause minor girls anxiety, fear, anger, shame, stress, and even physical illness at having to describe intimate details of their lives in court.
6. Parental notification laws do not promote family harmony or minors' welfare. They do add delays that have resulted in an increase of around 12% in riskier, costlier second-trimester abortions to minor girls in Massachusetts and Minnesota.
7. Parental notification laws do not increase reporting of child abuse. Minnesota Department of Human Services Child Protective Division officials are not aware of one case of child abuse reported under that state's law.

8. Parental notification laws have caused abuse of minors already from troubled families. The U.S. District Court for Minnesota's 1986 review found that "notification [as to] the minor's pregnancy decision can provoke violence, and

harrassment" in troubled families. In Montana, at least 5,000 minor teenage girls have been abused by a parent or caretaker who would be subject to notification under SB 404.

9. -The "juicial bypass" procedure has not functioned well in Massachusetts or Minnesota and would cause greater difficulty in even more rural Montana. Eight of Montana's 19 judicial districts are larger than the entire state of Massachusetts and would entail extensive excuse-fabrication and travel for minors.

10. In Montana in 1988, 15% of all abortions were to minors, compared to 22% to women over 30. Montana's minor pregnancy rate is 32% below, and our minor abortion rate is 39% below, the national average. About 1.1% of the state's minor girls age 13-17 seek an abortion every year, similar to the abortion rate for women age 18-40. Only about 3 in every 1,000 minor girls in Montana seek abortion without parental knowledge.

11. "Teenage" pregnancy has been misrepresented to the public by various interest groups, creating undue alarm and motivation for drastic measures such as parental notification laws. Only 1.5% of all pregnancies in Montana involve minor couples, and only 10% of all "teenage" pregnancies involve two minors. Ninety percent of all "teenage" pregnancies involve male partners over age 18, 70% involve male partners over age 20, and 21% involve adult males over age 25. Pregnancy among teenage girls in Montana has declined sharply in recent decades and is at least 60% lower today than in 1955.

12. There is no evidence Montana minors or physicians have abused current law allowing minors to consent to a wide variety of medical treatments. The number of abortions to Montana minors decreased from 358 in 1980 to 320 in 1988.

13. Parental notification laws accomplish none of the benefits forecast by their advocates. They are unfair in that they single out females of one age group for needless legal runaround to obtain abortion and inflict the severest punishment on girls from already troubled families.

14. Parental notification laws display lack of confidence in family communication. A large majority of Montana's parents have trusting, non-judgmental enough relationships with their children that they do not require government-enforced intervention as forced by SB 404.

15. Parenthood potentially involves hundreds of thousands of dollars and a lifetime commitment. Teenage girls have shown no less maturity in making such decisions than adults who are exempt from notification laws.

I am leaving a complete copy of my study of the issue, including cited references, with the committee secretary for your examination. Thank you.

Mike Males
1104 S. Montana, No. F-12
Bozeman, Montana 59715
507-478-1700

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 19 day of February, 1991.

Name: Robert L. Delbelice

Address: 571 S. Rodney St.

Helena, MT 59601

Telephone Number: 406-449-7819

Representing whom?

myself

Appearing on which proposal?

404

Do you: Support? ☐

Amend? ☐

Oppose? ☒

Comments:

Requiring parental notification of a minors
intent to abort is an invasion of the rights
of the minors privacy. This bill is
unconstitutional. If passed, many minors will resort
to "back alley" abortions and suffer mutilation + possible death.
Furthermore, I believe if the child and parents
truly have a healthy, open relationship the
child would let the parents know about the
pregnancy/abortion. ~~Without~~ Requiring parental
notification will primary affect families where
communication is already poor (at best).

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

Robert L. Delbelice

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 19 day of Feb, 1991.

Name: Jean Kirby Ward

Address: 571 S. Rodney
Helena, MT, 59601

Telephone Number: 449-7819 (406)

Representing whom?

Myself

Appearing on which proposal?

act 404

Do you: Support? ☐

Amend? ☐

Oppose? ☒

Comments:

This Bill violates the rights of the
minor. Most importantly I feel if a
minor female needed or chose an abortion
and she were required to notify her parent
against her will, many would choose
a "back alley" (unsafe) abortion risking
her life.

I am a mother of a daughter, if
some time she decided to have an abortion
I would hope she would share this with me,
but if for whatever reason ~~she~~ she did not
wish me to know I would want her to be able
to get a safe, legal abortion without my consent

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

Jean Ward

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 21 day of February, 1991.

Name: Scott Crichton

Address: Box 3012 Billings 59103

Telephone Number: 442-2265 / 248-1086

Representing whom?

American Civil Liberties Union of Montana

Appearing on which proposal?

SB 404

Do you: Support? Amend? Oppose? X

Comments:

IF THIS IS NOT AN ANTI ABORTION Bill, why is the Anti-Choice movement so mobilized on this issue?

MANDATORY NOTIFICATION IS ESPECIALLY destructive in single parent & RESIDE families.
especially poor women
YOUNG WOMEN ALREADY FACE OBSTACLES when obtaining ABORTIONS.

Court BYPASS Procedures force young women TO obtain RISKIER & more costly abortions.

Court HEARINGS are frightening & traumatic for young women

Court Proceedings expose the private lives of young women to PUBLIC scrutiny.

Parental involvement laws increase unwanted teenage motherhood.

UNWARRANTED MOTHERHOOD IS OFTEN DEVASTATING TO TEENAGERS & their children

Parental involvement laws are not motivated by a desire to help young women

Did not testify

SENATE HEALTH & WELFARE

EXHIBIT NO. 20

DATE 2/20

BILL NO. 404

TESTIMONY IN OPPOSITION TO S.B. 404

FROM: The Rev. Barbara Archer, Former Interim Minister, University Congregational Church, United Church of Christ, Missoula
The Rev. Peter Shober, Minister, University Congregational Church, Missoula

We, as clergy of the United Church of Christ, in faithfulness to our denomination's positions on reproductive choice (National UCC pronouncements have supported reproductive choice since 1971; the Montana-Northern Wyoming Conference of the United Church of Christ passed the enclosed resolution in 1990) oppose S.B. 404 and urge you to consider a more positive bill, H.B. 788, which provides for counseling of minors by a responsible adult.

The instances in which a teenager seeks abortion without knowledge of a parent are very few and are often justified because of dysfunctional or abusive situations in the home. Our experience and knowledge as clergypersons is that very young pregnant women receive extra special caution, and care, and counseling and consultation when they seek an abortion. In fact, confidentiality may be necessary to preserve the family.

Further, we have both had experience ministering in rural areas, and urge that clergypersons be considered appropriate counselors in matters of reproductive choice. A clergyperson may be one of the few responsible adults available to assist and advise persons in trouble in Montana's vast isolated areas. A young person would almost certainly be more likely to seek out a clergyperson than a judge in this situation.

We recognize women as responsible moral agents and advise that the present system of counseling and consultation be upheld as the most effective means of insuring the fullest integrity in reproductive choice.

FREEDOM OF CHOICE:
A FAITHFUL RESPONSE

WHEREAS, the faithful Christian community, understands that freedom of informed choice is a basic component of moral responsibility and growth, and

WHEREAS, forcing any human being's conscience is an act of violence, and

WHEREAS, denial of choice is an effort to deny pregnant women the most basic component of conscious cooperation with the will of God as understood by the affected woman, and

WHEREAS, denying the right of decision-making to a pregnant woman is to disrespect the integrity of her conscience and ultimately, to deny her full human personhood, and

WHEREAS, pregnancies and reproductive options are matters of personal ethics and morality, and should not be deferred to a court of law, and

WHEREAS, we deplore all attempts to restrict the access of women to safe, comprehensive reproductive health care with a full range of options,

THEREFORE, BE IT RESOLVED, the 1990 Annual Meeting of the Montana-Northern Wyoming Conference of the United Church of Christ affirms its support for freedom of choice regarding reproductive options, and

BE IT FURTHER RESOLVED, that members of the Montana-Northern Wyoming Conference of the United Church of Christ be urged to work toward a society where a full range of reproductive options are available to all ~~women~~ *People* ~~regardless of economic circumstances~~ and address the root causes that lead to unplanned pregnancies, ignorance and lack of options.

BE IT FURTHER RESOLVED, the Social Justice Committee make available to the congregations of the Montana-Northern Wyoming Conference requesting information, educational materials and resources about reproductive health care.

Testify?

SENATE PUBLIC HEALTH HEARING (2/20/91)

SENATE HEALTH & WELFARE

EXHIBIT NO. 21

DATE 2/20/91

S BILL NO. 404

I AM ALBERT L. BAUN. I'M RETIRED AND RESIDE AT 1055 SUN VALLEY ROAD, HELENA, MONTANA 59601. I HAVE BEEN A CERTIFIED GUIDANCE COUNSELOR (MASTERS DEGREE FROM UNIVERSITY OF MONTANA) AT THREE MONTANA HIGH SCHOOLS AND HAVE BEEN A LICENSED FAMILY AND MARRIAGE COUNSELOR IN CALIFORNIA.

WHAT IS DISTURBING TO MONTANA VOTERS IS THAT TOO FREQUENTLY LEGISLATORS FAIL TO DO PROPER RESEARCH BEFORE SUBMITTING BILLS FOR PUBLIC HEARING. IF THE AUTHOR OF SB 404 HAD DISCUSSED HER PROPOSED BILL WITH HIGH SCHOOL GUIDANCE COUNSELORS, EXPERTS WHO ARE THE BEST QUALIFIED TO ADVISE ON THE ISSUE OF PARENTAL NOTIFICATION, THIS HEARING WOULD NOT BE HELD TODAY.

RATHER THAN RELATE MY OWN EXPERIENCES AS A COUNSELOR OF PREG-NANT ADOLESCENTS, I PREFER TO TELL THE COMMITTEE ABOUT A LETTER I RECEIVED FROM MY STEP DAUGHTER (A CERTIFIED SCHOOL COUNSELOR AND PSYCHOLOGIST) IN TEXAS. HER LETTER BROKE MY HEART. SHE WROTE: "DAD, I'M RESIGNING FROM THE HIGH SCHOOL FACULTY. OUR NEW PRINCIPAL CALLED ME INTO HIS OFFICE YESTERDAY AND SAID, "I UNDERSTAND THAT YOU ARE DISCUSSING ABORTION AND CONTRACEPTION WITH YOUR STUDENTS." I REPLIED THAT, "MY JOB AS A COUNSELOR IS TO RESPOND TO STUDENT QUESTIONS ABOUT ANY ISSUE." THE PRINCIPAL THEN DECLARED THAT HEREAFTER I WAS TO ADVISE MY STUDENTS THAT, "FORNICATION AND ABORTION ARE SINS AGAINST GOD." I REPLIED THAT, "MY COUNSELING FUNCTION WAS NOT TO RECOMMEND OR REJECT ABORTION OR THE USE OF CONTRACEPTIVES. I REMAINED PROFESSIONALLY NEUTRAL ON THESE ISSUES."

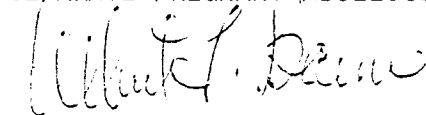
MY DAUGHTER WENT ON TO WRITE THAT, "THE SCHOOL PRINCIPAL STUNNED ME BY WARNING THAT MY FAILURE TO FOLLOW HIS INSTRUCTIONS TO THE LETTER WOULD CONSTITUTE INSUBORDINATION AND WOULD LEAD TO MY DISMISSAL."

Exhibit # 21
7:30 pm 2-20-91

IN MY RETURN LETTER TO THE DAUGHTER, I APPEALED TO HER TO NOT WASTE THE SIX YEARS SHE HAD STUDIED TO EARN HER MASTERS DEGREE. I STATED THAT THERE COULDN'T BE THAT MANY GIRLS IN THE KINGWOOD AREA (HIGH-INCOME COMMUNITY OF PROFESSIONALS)WHO REQUIRED REPRODUCTIVE COUNSELING.

MY DAUGHTER'S REPLY WAS, "EVERY MONTH, PREGNANT GIRLS WHO HAVE BEEN THROWN OUT OF THEIR HOMES BY THEIR PARENTS ARE INVITED TO STAY AT MY HOME UNTIL SOCIAL WORKERS CAN FIND THEM FOSTER HOMES. ALL TOO FREQUENTLY, THE GIRL RIGHTFULLY FEARS THAT IF HER PARENTS LEARN OF HER PREGNANCY SHE WILL BE BEATEN OR BE THROWN OUT OF THE HOUSE. HOWEVER, IF THE GIRL IS CONFIDENT THAT HER PARENTS WILL BE UNDERSTANDING, SHE WILL WILLINGLY TELL THEM OF HER PREGNANCY."

PASSAGE OF SB 404 WILL ENSURE THAT MANY MORE GIRLS IN MONTANA COMMUNITIES WILL BE KICKED OUT OF THEIR HOMES. ALREADY, MONTANA STATE AGENCIES FIND IT NECESSARY TO ADVERTISE FOR FOSTER PARENTS, WITH WHOM HOMELESS CHILDREN CAN BE PLACED. SB 404 FORCED PARENTAL NOTIFICATION IS UNTHINKING PUNISHMENT AND WILL SEPARATE PREGNANT ADOLESCENTS FROM THEIR PARENTS AND HOMES.



ALBERT L. BAUN

Clayton
McCracken

Anne's Story.

A Minor Who Chose Not To Involve Her Parents
In Her Decision To Have An Abortion

SENATE HEALTH & WELFARE

EXHIBIT NO. 22

DATE 2/20/91

BILL NO. 404

As we were doing the abortion procedure Anne talked confidently about her future plans. She would marry as soon as she graduated from high school. She emphasized though that she planned to attend college. During her senior year in high school she would take special courses that the school offered in child rearing. Then in college she would study how to help handicapped children. Her self confidence and determination was remarkable for a seventeen year old.

Anne is a young woman who chose not to tell her parents that she was pregnant and having an abortion.

Her current solidness belies her troubled past. She is only a junior in high school. During the sixth grade she was held back. That year she was in emotional turmoil, her parents were separated and going through divorce procedures. She first had intercourse when she was fourteen. She became drunk at a party and someone took advantage of her. Last year she ran away from her mother and stepfather. Her mother had now remarried. The counselor at her school got her into a program for runaway girls. She, her mother and her stepfather attended several counseling sessions and things became better in her household.

At the present matters at home are again intolerable for Anne. The stepfather has not worked in three years. Her mother works a day job and is looking for night work to support the family.

Why wasn't Anne using contraception. She and her partner were using condoms. Whether or not they were using a condom at the time she became pregnant we do not know. She had previously used birth control pills, a more reliable contraceptive, but one day her stepfather was going through her things, found the pills and threw them out.

How did Anne get money for the abortion? She called her real dad, told him that she needed \$235, and he sent it without asking why; but, perhaps knowing why.

Who counselled Anne? When Anne suspected that she was pregnant she went to a pregnancy counselling center for a free pregnancy test. The pregnancy counselling center is operated by a coalition of persons opposed to abortion. The person who did the positive pregnancy test told Anne about adoption and programs in her community for unwed adolescent women who plan to continue the pregnancy and raise the child herself. At the pregnancy counselling center there was no mention of informing the parents — perhaps since in their mind there would be no abortion, the pregnancy would eventually become obvious.

Anne then made an appointment with a family planning clinic for an examination. The nurse who did the examination to confirm the pregnancy talked with Anne about all options: keeping, adoption and abortion. By that time Anne had already decided that it would not be feasible to continue the pregnancy and that she did not want to involve her mother and her stepfather. She had discussed the pregnancy with her nineteen year old partner and his parents. They supported her in her decision to have an abortion. So the nurse at the family planning clinic inquired about involving her parents but did not pursue the issue further when Anne explained that she would not. Anne also sought out her school counsellor, the same one who helped her before. The school counselor also discussed options.

Anne tolerated the abortion procedure very well and left the clinic feeling well about her decision and confident in her future.

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 20 day of February, 1991.

Name: Linda Sargent

Address: 1400 N. Last Chance Gulch #1C
Helena

Telephone Number: 443-0827

Representing whom?

Montana Right to Life

Appearing on which proposal?

SB 404

Do you: Support? X Amend? _____ Oppose? _____

Comments:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

INDIANA UNIVERSITY SCHOOL MEDICINE
DEPARTMENT OF PATHOLOGY
FORENSIC DIVISION

Andie Morgan
SENATE HEALTH & WELFARE

EXHIBIT NO. 23

DATE 2/20

BILL NO. SB 404

AUTOPSY REPORT

Name: Rebecca Suzanne Bell

Autopsy No. 88-0880

Age: 17 years

Date: 17 Sep 88

Sex: Female

Time: 7:30 AM

Performed by: Jesse C. Giles, M.D.

Performed for: Marion County Coroner

ANATOMIC FINDINGS

1. Evidence of pregnancy with incomplete abortion:
 - a. Gravid uterus
 - b. Retained products of conception
 - c. Corpus luteum of pregnancy of right ovary
2. Fibrinopurulent pneumonia with pleural exudate:
 - a. Left lung, severe
 - b. Right lung, moderate
 - c. Seropurulent left pleural effusion, 350 ml
 - d. Serosanguineous right pleural effusion, 300 ml
 - e. Fibrinous pericardial effusion, 50 ml
 - f. Postmortem left lung and left pleural effusion cultures of streptococcus pneumoniae
3. Widespread visceral fibrin-platelet thrombi, including pulmonary, adrenal, myocardial and renal
4. Multifocal hemorrhagic infarcts of adrenal glands
5. Multifocal myocardial acute inflammation and edema

TOXICOLOGY

Negative

CAUSE OF DEATH

Septic Abortion with Pneumonia

MANNER OF DEATH

Undetermined

John E. Pless

John E. Pless, M.D.
Forensic Pathologist
Division of Forensic Pathology

Jesse C. Giles, M.D.
Jesse C. Giles, M.D.
Fellow in Forensic Pathology
Division of Forensic Pathology

CIRCUMSTANTIAL SUMMARY

This 17 year old white female, born 8-24-71 and residing at 5342 West 53rd Street, Indianapolis, was pregnant and was suspected of having had an abortion on approximately Monday, September 12, 1988. On Tuesday, September 13, 1988, she had fever and headache and continued to feel bad through Friday, September 16, 1988. She was taken to St. Vincent Hospital approximately 4:00 PM on Friday, September 16, 1988, where x-rays of the chest showed multiple pleural based pulmonary infiltrates. She subsequently experienced an unexpected cardiopulmonary arrest, and she was transferred to the Intensive Care Unit where she died at 11:29 PM on September 16, 1988. Laboratory studies from the evening of death showed an absolute neutropenia with relative left shift and also a positive pregnancy test. Blood culture from the hospital showed no growth, but sputum cultures grew streptococcus pneumoniae.

DOCUMENTS AND EVIDENCE EXAMINED

Marion County Deputy Coroner's Report and Hospital Chart.

IDENTIFICATION

On September 17, 1988 at 7:30 AM, a complete postmortem examination was performed on the body of Rebecca Suzanne Bell who was identified by a Marion County Coroner's toe tag. Persons present for the autopsy included Dr. John E. Pless, Evidence Technician Jim Floyd, Mr. Steven O'Neal and David Becsey. Identification photographs are obtained by the evidence technician.

CLOTHING AND VALUABLES: Around the left wrist is a tied leather-like bracelet. No other clothing or valuables are present.

EXTERNAL EXAMINATION

The body is that of a well developed, well nourished white female adolescent appearing the stated age of 17 years. The body length is 68 inches and the body weight is 150 pounds. Scalp hair is 8 inches long, straight, and blond. The hair is in a pony-tail. Jaundice is not present in the skin or sclerae.

The head is normocephalic. The irides are blue and the sclerae are white. The pupils are round and equal in diameter. There are no conjunctival petechia. The nose is normal. There is mucus in the nares and mouth. Teeth are present. There is no denture. Oral hygiene is good. The ears are pierced bilaterally.

There is no significant increase in the anteroposterior diameter of the chest. The breasts are symmetrical without palpable masses and the nipples appear normal without discharge. The abdomen is soft without significant ascites. The external

88-0880
Rebecca S. Bell
Page 3

genitalia are those of a female adult without injury. The anus is not dilated and has no injuries. Vaginal examination by speculum shows a dilated cervix extruding hemorrhagic and necrotic tissue.

The extremities are symmetric and there are no significant deforming injuries.

The following scars, nevi, tattoos and incidental findings are present: 3 inch long, well-healed, incisional scar of lower right abdomen.

SIGNS OF DEATH: Rigor mortis is generalized and post mortem lividity is mottled, purple and blanching on the posterior surface of the body and on the upper thighs and chest.

ARTIFACTS: The following artifacts of medical and postmortem care are present: Endotracheal tube, nasogastric tube and Foley catheter. Intravenous lines are in the following locations: dorsum of left hand and bilateral inguinal areas. A Swan-ganz catheter is in place at the left subclavian area. Needle puncture wounds are present in the right antecubital fossa and on the dorsum of the left hand.

The following artifacts of putrefaction are present: None.

INJURIES

None.

INTERNAL EXAMINATION

SEROUS CAVITIES: The body cavities are opened with a standard Y-shaped incision. The cranial cavity is opened with a coronal incision of the scalp and removal of the calvarium. An odor like alcohol is not apparent in the body cavities.

There is no evidence of pneumothorax. There is 350 ml of seropurulent effusion in the left pleural cavity and 300 ml cloudy serosanguinous effusion in the right pleural cavity. There are bilateral fibrinous pleural adhesions, greater on the left. There is increased serous fluid with free-floating fibrin strands, approximately 50 ml, in the pericardial sac. There is early focal fibrinous pericarditis. There is no evidence of peritonitis. There is no blood in the peritoneal cavity. There is no ascitic fluid. After removal of the organs from the body, inspection of the serous cavities reveals no evidence of fracture of the ribs, sternum, clavicles, vertebral column or pelvic bones. Contusion hemorrhage is not present in the body walls.

NECK ORGANS: The larynx and trachea are in the midline. No significant hemorrhage is present in the skin, fat or muscles of the anterior neck. The thyroid gland is symmetrical and composed of reddish-brown parenchyma. The parathyroid glands are not identified. The laryngeal cartilages and hyoid bone are not fractured. There is no obstruction of the respiratory tract in the nasopharynx, larynx or trachea.

There is scant mucus in the larynx. The mucosa of the hypopharynx, larynx and trachea is smooth and glistening without ulceration or tumor. Cervical lymph nodes are appropriate for age. No fractures or dislocations of the cervical vertebrae are detected.

THYMUS: The thymus is present in the anterior mediastinum and appropriate in size for age. There are no petechiae in the thymus.

HEART: The 260 gram heart is in usual position with respect to the great vessels and chest cavity. The left ventricle is not significantly hypertrophied and the cardiac chambers are not dilated. On opening the aorta and pulmonary trunk, there is no evidence of air embolism and there is no evidence of pulmonary thromboembolism. There is focal early exudative pericarditis. The circumflex coronary artery arises from the left main coronary. The coronary arteries are examined by multiple cross sections. There is no significant atherosclerotic plaque in the coronary arteries.

Thrombosis of a coronary artery is not present. The cardiac valve leaflets are delicate, translucent and membranous. The circumferences of the cardiac valves are within normal limits for age and heart size.

There is no softening or mottling of the myocardium due to recent myocardial infarction or necrosis. There is no myocardial fibrosis. There is no myocardial contusion. There are no defects in the atrial or ventricular septa. The ductus arteriosus is not patent. Autolysis is not significant.

VASCULAR SYSTEM: The aorta and its main branches show mild yellow streak atherosclerosis. There is no evidence of aneurysm, coarctation, dissection or laceration of the aorta. The renal arteries are not stenotic.

LUNGS: Right: 1150 grams. Left: 1220 grams. The trachea is complete, without malformation, from the larynx to the carina. There is no aspirated gastric material and no aspirated blood in the trachea. The distal bronchi contain scant mucus. The pleural surfaces are marked by multifocal fibrino-purulent exudate. No petechiae are visible. The lungs and hilar nodes are not significantly anthracotic and there is no bullous emphysema. On cut surface, there is no aspirated blood apparent in alveoli. Bronchopneumonia is bilateral with the left lower lobe being severe and the left and right upper lobes being moderate. Almost the entire base of the left lower lobe is involved with pneumonia of varying stages. There is obvious red hepatization intermixed with areas of grey hepatization and also frank near abscess formation. The changes are both subpleural and deeply intraparenchymal. There are no grossly visible thrombi. The pleural surfaces, again most marked at the left posterior lobe base, have much fibrinopurulent exudate, and there is corresponding reaction on the parietal pleura at the left thoracic hemidiaphragm but also at the apex of the left chest. There is focal consolidation but no tumor. There is mild passive congestion of the lungs. There is evidence of pulmonary edema. There is no pulmonary contusion. Pulmonary thromboemboli are not present. There is no putrid gas cavitation.

88-0880

Rebecca S. Bell

Page 5

LIVER: The 1800 gram liver has a smooth capsular surface. On cut surface, the parenchyma is reddish-brown and has a lobular architecture. The liver is mildly passively congested. Metastatic tumor is not present. The hepatic duct is patent. The gallbladder is present. There are no gallstones. Autolysis of the liver is not significant.

PANCREAS: The pancreas is appropriate in shape and size with respect to total body fat stores. On cut surface, it is lobular with interspersed fat without focal calcification, fibrosis, hemorrhage or fat necrosis. Autolysis is not significant.

GASTROINTESTINAL SYSTEM: The esophagus is lined with glistening white mucosa. The stomach is coarsely rugated. The stomach contains 20 ml of mucus. There is no odor like alcohol in the stomach. There are no erosions or ulcers in the stomach or duodenum. The small bowel and colon are intact without perforation, diverticula or palpable tumors. The vermiform appendix is surgically absent.

SPLEEN: The 300 gram spleen is composed of red and white trabecular pulp. There is no laceration of the splenic capsule. Autolysis is not significant.

ADRENALS: Two adrenals are present with golden brown cortex and white medulla. No cortical nodules are present in either adrenal. Both have multiple areas of hemorrhage. Autolysis is not significant.

URINARY TRACT: Right kidney: 200 grams. Left kidney 200 grams. The two kidneys, ureters and a bladder are present in their usual positions without dilatation. The kidneys are symmetrical in shape and size. The capsules strip from the cortices with ease and the cortical surfaces are smooth. On cut surface, the cortex appears of ample thickness and the medulla appears ample. The kidneys are not congested. They are swollen and pale. There are no stones or tumors in the kidneys, pelvis, ureters or bladder. The mucosa of the urinary bladder appears glistening. Autolysis of the kidneys is not significant.

REPRODUCTIVE SYSTEM: The uterus, fallopian tubes and ovaries are present. They are of usual size and shape for age. No tumors are present. There is evidence of recent pregnancy with recent partial abortion. The uterus is enlarged consistent with current pregnancy of age approximately 2-3 months. The cervix is dilated uniformly without evidence of mucosal or submucosal injury. Extruding from the cervical os is a hemorrhagic and necrotic red-tan and grey-brown tissue consistent with products of conception. The lower third of the uterine cavity has only the usual flat mucosa without obvious evidence of instrumentation. However, the upper 2/3 of the uterine cavity has a mixture of blood clot and necrotic and hemorrhagic products of conception. There are no recognizable fetal parts, and the amniotic membrane has been ruptured, leaving only a small area recognizable as thin blue-tan glistening membranes. There is no evidence of hydatid mole or invasive

choriocarcinoma. The serosa of the uterus is smooth and glistening and without exudate, and there are no areas of perforation or pus. In or around the uterus. The right ovary has a 1 x 1 1/2 x 1 inch bright yellow corpus luteum. The remainder of the ovaries shows unremarkable for age ovaries. There are no injuries of the vagina.

CENTRAL NERVOUS SYSTEM: The brain will be formalin fixed, and an addendum report will follow. There is no hemorrhage in the scalp or galea. The dura, removed by stripping from the calvarium and base of the skull, shows no epidural or subdural hemorrhage. The cerebral and cerebellar hemispheres of the 1420 gram brain are symmetrical. The leptomeninges are transparent and can be stripped with ease. There is no subarachnoid hemorrhage. There is no flattening of the gyri and no widening of the sulci. The major vessels at the base of the brain have a usual anatomic distribution and there is no significant atherosclerosis. The cranial nerves are symmetrical and intact. There is no evidence of herniation at any of the portals of the brain. There are no fractures of the convexity or base of the skull. The craniocervical junction demonstrates a usual range of motion. The spinal cord is not examined.

PHOTOGRAPHS: Indianapolis-Marion County Forensic Services Agency and Departmental.

SPECIMENS FOR FIREARMS EXAMINATION OR TRACE EVIDENCE: None.

SPECIMENS FOR TOXICOLOGY: Vitreous, blood, bile, gastric contents, liver tissue and kidney tissue.

SPECIMENS FOR CHEMICAL ANALYSIS: Blood for HIV antibody.

SPECIMENS FOR CULTURE: Blood bacterial culture, lung tissue swabs for bacterial culture and bilateral pleural fluid swabs for bacterial culture.

MICROSCOPIC EXAMINATION: Tissue samples representative of the major organs have been processed onto glass slides for microscopic examination. These histologic specimens have been examined and there are no additional significant pathologic findings other than those noted on the Anatomic Findings.

CORONER'S REPORT

Exhibit # 23
7:30 pm 2-20-91

(VERDICT)

DECEDENT <i>Full name and address</i> REBECCA SUZANNE BELL 5342 West 53rd Street Indianapolis, Indiana 46254	DATE AND TIME OF DEATH September 16, 1988; 2329 hours
	PLACE OF DEATH St Vincent Hospital, Indianapolis, Indiana
DESCRIPTION 17 year old white female	CASE NO. 88-0880

SYNOPSIS

REBECCA SUZANNE BELL was pronounced dead at St Vincent Hospital, 2001 West 86th Street, Indianapolis, Indiana at about 2319 hours, September 16, 1988.

Investigation disclosed that REBECCA BELL became pregnant in mid-May 1988 (according to Planned Parenthood referral receipt). She did not confide this information to her parents. According to her friend, Heather CLARK, REBECCA BELL told the father of the unborn child about the pregnancy and he broke off all contact with her in mid-July. REBECCA BELL told HEATHER CLARK that she intended to have an abortion. REBECCA BELL also reportedly has a history of substance abuse for which she was hospitalized from mid-February through April, 1988.

REBECCA BELL reportedly was at a party where various drugs were being use (cocaine, "speed" and LSD) on the week-end of September 10-11, claimed th someone had put "speed" or cocaine in her drink. On Tuesday, September 13 she awoke with a neck ache, stayed home from school and developed an elev ed temperature. She was somewhat improved on Wednesday but was found on Friday, September 16 when her father went home at about noon and she was ill. He took her for an x-ray which showed pneumonia bilaterally. She was hospitalized where she went into cardiopulmonary arrest later that night.

The autopsy disclosed that her death was due to a septic abortion with pneumonia. She had told conflicting stories about abortion plans and the exact circumstances of the abortion are not known. An analysis of postmor blood was negative for ethanol and drugs.

CAUSE OF DEATH SEPTIC ABORTION with PNEUMONIA

CONTRIBUTING CAUSE:

MANNER OF DEATH UNDETERMINED	WAS AN AUTOPSY DONE? YES	BLOOD / ALCOHOL ANALYSIS NEGATIVE
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I, DENNIS J. NICHOLAS, M.D., Coroner of Marion County, Indiana do hereby certify that I have caused an examination to be made of the body, made an inquiry into the circumstances of the death and Now render these Findings, this 3rd day of October 19 88.

seal

Dennis Nicholas
CORONER

P.1
Box
9

DATE 2/20/91 7:30 pm

COMMITTEE ON Public Health, Welfare & Safety

SB 404 by Bruski.

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppos
Albert L. Daun	Self	404		✓
Sue Bartlett	self	404		✓
Jeff Pennington	self	404	✓	
Ruth Botly	Self	404	✓	
John Vandergrace	SELF	404	✓	
Yvonne Lewis	self	404	✓	
Eve Pilskaus	self	404	✓	
David C. Pearsall	Self	404	✓	
Emelyn Pearsall	Self	404	✓	
Margaret Churchman	Self	404	✓	
Robert E. Sullivan	Montgomery-Lewis Committee for Protection of Human Life	404	✓	
Betty J. Kehnke	self	404	X	
Walter Francis Kehnke	"	404	X	
Margaret C. St. John	Self	404	X	
Paula L. Garity	Self	404	✓	
JOHN ORTWEIN	MT CATHOLIC CONF	404	✓	
L. Milt. Jones M.D.	Mont. At. to Life	404	✓	
Randi Hood	self	404		✓
Alana Myers	self as parent	404	✓	
Joe & Janette Barnett	Rep. HD 76 -	404	✓	
Chare Sands	MT Women for	404		✓
MIKE MALES	SELF			X
John Stetzer	Self	404	X	
Jeff Batt	SELF	404	X	
Rebecca Anderson	Self	404	X	
Caroline Clemens	Self	404		X

COMMITTEE ON

Public Health Safety Welfare

DATE

2-20-91 7:30

PM

SB404 Brawl

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Re Bunch	Myself	404	✓	
Margaret Asay	myself	404	✓	
Diane Manning	myself	404		✓
Patrick V. Hoge	Myself	404	X	
Josh Stetson	myself	404	X	
Robert Clark	myself	404	✓	
Brenda Nordlund	self	404		X
Karen Feather	Self	404		X
Carol L. Jarvis	Myself	404	X	
Penney Jerome	myself	404	X	
Richard Jarvis	myself	404	X	
Bryan Asay	Biblical Legal Foundation	404	X	
David J. Hoot	MYSELF	404	X	
Patricia Wood	myself	404	X	
Myron G. Hoot	myself	404		X
Muri Stordahl	myself	404	X	
David Stordahl	MYSELF	404	X	
Judy Boyd	Self	404	X	
Pat Davis	SELF	404	X	
Beth McCann	self	404	X	
Joanne McKinnis	self	404	X	
Bemi Lancette	self	404	X	
Carol Calkins	self	404	X	
Nancy A. Helt	mt Right to Life	404	X	
Mary Lou Phelan	Self	404	✓	
Alvin Wood	Self	404		✓

7:30 pm

Public Health

SB 404 By Bruski

NAME

REPRESENTING

BILL #

Check One

Support	Oppose
---------	--------

Oppose

arak Bigger

SELF

Barbara Destine

A. Prumisko

Stephanie Wessend

Lynn R. Kern

FAMILY LIFE CENTER

Kate Cholewa

MT Womens Lobby

Frank Goetschel

Self

BARDA A. ALLEN

Self + Family

5

DATE

2/20/91 7:30 pm

COMMITTEE ON Public Health, Welfare + Safety

SB 404- Bruski

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Robert L Debelice	myself	404		✓
Arlene Diehl	myself	404	✓	
David Diehl	self	404	✓	
Sandra Shepard	self	404		✓
Judy Langron	self	404		✓
Jennifer Bottomly	self	404		✓
Catherine Wright	self	404		✓
Norm Barber	self & DELOW	404	✓	
Norm Barber	self & Dignity	404	✓	
Kathy Busch	self (parents)	404	✓	
LORETTA ARENDT	self	404		X
Don Bischoff	self	404	✓	
Terri L. Donaldson	myself and family	404	✓	
Jeffery Donaldson	self	404	✓	
Jane Helfrich	myself & family	404	✓	
Paige Diehl	self	404	✓	
STAN SMITH	MYSELF & FAMILY	404	✓	
Robert Helfrich	self & family	404	✓	
Helen Christensen	self	404	✓	
Jane L Christensen	self	404	✓	
Harold Turner	self & family	404	✓	
Emmett Colby	self	404	✓	
Wilson Gifford	self	404	✓	
Karen Kasper	self	404		✓
Linda McLaughlin	self	404	✓	
Michael Hansen	self	404	✓	

DATE 2-20-91

7:30

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COMMITTEE ON

DATE 7-20-71
COMMITTEE ON PUBLIC HEALTH WELFARE & SAFETY

SB 404 - BRUSKI

VISITORS' REGISTER

[illegible]

p.7

DATE 2/20/91 - 7:30 p.m.COMMITTEE ON PUBLIC Health Welfare & Safety

SB 404 by BRUSKI

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppos
Ann O'Keefe	Unborn		✓	
Jim Condit	myself		X	
Nancy O'Neil	Mt. For Choice	404		X
Tootie Weiker	M 14 P P	404		X
Colleen Supple	Mt. For Choice/NASA	404		X
Mrs Tom (Lue) Ketting	Self	404	X	
Deborah Frandsen	Planned Parenthood	404		✓
Tina Kinkadee	Planned Parenthood			✓
Melanie Reynolds	Planned Parenthood			✓
Ken Fleary	Unborn		✓	
Linda Sargent	Montana Right to Life	404	✓	
Joanne Kauzlarich	myself	404	✓	
Alan Kuser	Parents	404	✓	
Jo Lynn Kuser		404	✓	
Tracy Locke	myself	404	✓	
Ann Prosky	Self			X
Lola Perkins	Self	404	✓	
Willie Craig	Blue Mtn Ps Clinic	404		X
Duke Chapman	Self	404		X
Sue Swafford	Self	404	✓	
Annette Friesen	Helena Area Christian Home Educates	404	✓	
Penelope White	Unborn		✓	
Devon Burkhead	Planned Parenthood	404		X
Sean Ward	Myself	404		X
Linnard Ward	myself	404		X
Barbara Tait	Self	404		X

2/20/91

7:30 pm

Health/Senate

SB 404 - Bruski

VISITORS' REGISTER

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